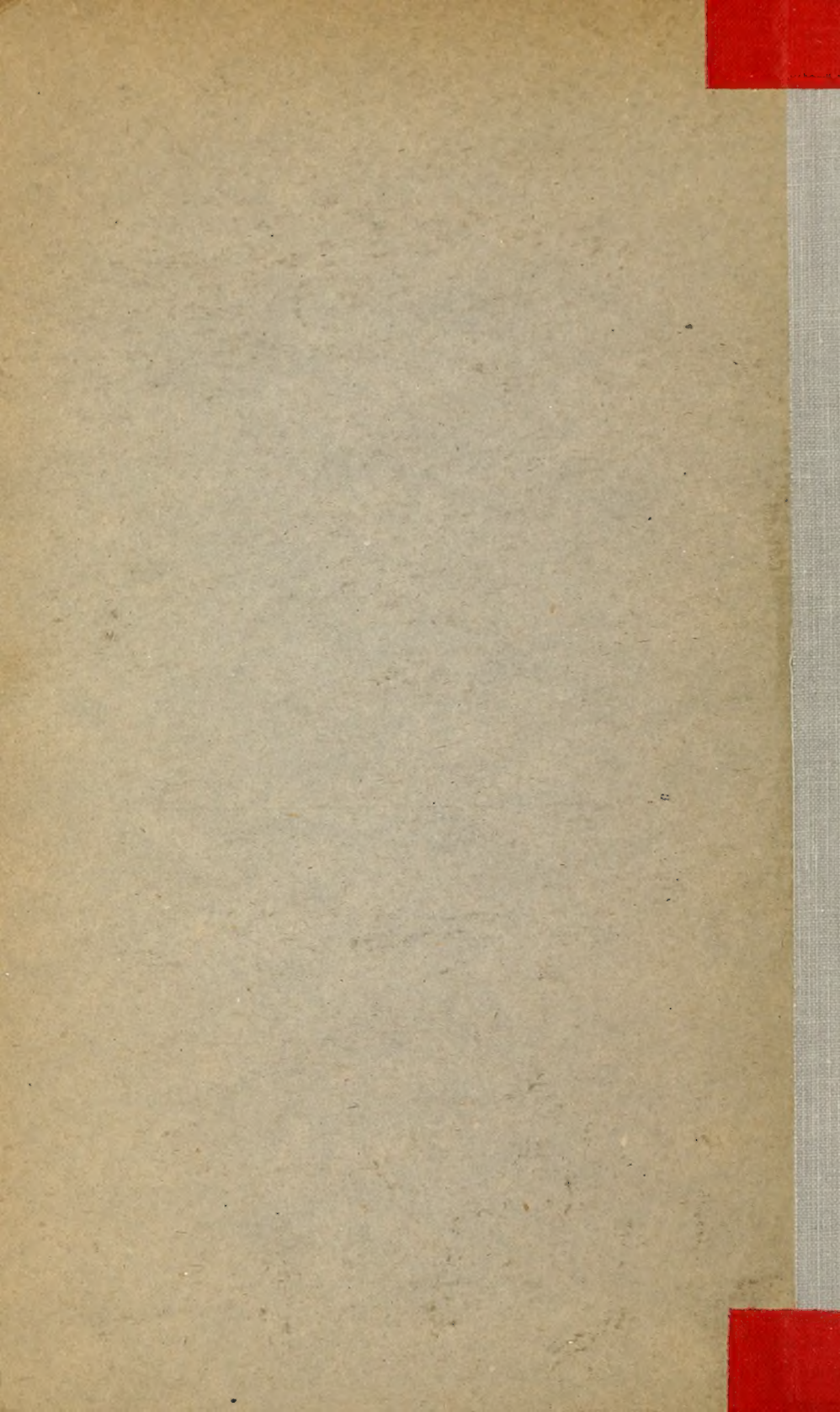


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Historical origins of  
imperial federation





# Historical Origins of Imperial Federation

A COMPARATIVE HISTORICAL AND POLITICAL STUDY OF  
THE VARIOUS SCHEMES FOR THE RECONSTRUCTION  
OF THE RELATION OF GREAT BRITAIN  
AND HER COLONIES

1754—1867

BY

E. ARMA SMILLIE, M.A.,

MCGILL UNIVERSITY.



THESIS SUBMITTED FOR THE DEGREE OF MASTER OF ARTS, IN THE DEPART-  
MENT OF POLITICAL SCIENCE, MCGILL UNIVERSITY, MONTREAL, CANADA.





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# A COMPARATIVE HISTORICAL AND POLITICAL STUDY OF THE VARIOUS SCHEMES FOR THE RECONSTRUCTION OF THE RELATION OF GREAT BRITAIN AND HER COLONIES.

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1754—1867.

For the proper perspective in a scheme of this nature, one must go back about two hundred years, to the period when the activity of the Board of Trade and Plantations was at its height in North American colonial government. This period opens in 1696, and ceases only with the separation of the larger portion of these colonies from Great Britain. It will, of course, be necessary to subdivide this and the subsequent periods, in order to distinguish the sources of the schemes. After the introduction, which covers the years to 1754, there will be plans from the American and British sources, until the revolt of the present United States. From then to 1824 several Canadian proposals will be discussed. The period after this will last till Lord Durham's report, and will be followed by a number of schemes from various sources, until we reach confederation proper.

In the latter part of the 17th century, both Great Britain and France had colonies in North America. The French settlements—after 1663—were directly under the control of the French government, with practically no local responsibility. The English colonies were of two kinds, first, those governed by a corporation for trade and settlement; second, those under proprietary government. In each case the land was held under a charter, and each separate colony, while having its own special system of government, had local self-government to a greater or less degree. In the case of these English colonies, for many years, following a time-honored custom, the Privy Council had been the supreme authority. As the work became more onerous, a Committee of the Council was formed to take it in charge. Finally, in 1696, a "Board of Trade and Plantations" was formed as the special Privy Council committee for the colonies. It was mainly created by the desires of the commercial class for an improvement of trade within the United King-

dom, but, to be just, it must be added that its instructions also mentioned colonial interests, although subordinately. These instructions, in part, read as follows: . . . "and likewise to inform yourselves of the present conditions of our respective plantations and of the best method of easing and securing our colonies there, and how the same may be rendered most useful and beneficial to our said Kingdom of England.. to inform yourselves of the proper method of settling and improving in our plantations such . . . manufactures as our subjects of England are obliged to fetch and supply themselves withal, from other states." (1)

The proceedings of this Committee as they affect American interests, are given very fully in the "New York Colonial Documents." Among the communications to them is one from John Nelson, of whom little other information can be obtained, save that he had several times been taken prisoner, both by the French and Indians. His remarks are: "The greatest defect and mistake is the number of small governments, each thus divided and weakened in strength, and foreigners one to another, so that whatever mischief happens in one part, the rest by reason of this disunion remain unconcerned." His proposal for a remedy is this: "If New England, New Hampshire, Rhode Island, Connecticut and New York were joined, we should be almost fifteen to every one of the French in Canada, and with more ships from England could even conquer that place." (2) Another scheme, by one John Penn, residing in England, suggests, in spelling which must needs be modified, "A brief and plain scheme how the English colonies in the northern part of America, viz., Boston, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, and Carolina, may be made more useful to the Crown, and to one another's peace and safety.

(1) That the several colonies mentioned above do meet once a year, and oftener if need be, during war, and at least once in two years in times of peace; by their stated and appointed deputies to debate and resolve of such measures, as are most advisable for their better understanding, and the public tranquility and safety.

(2) That, in order, to it two persons well qualified for sense, sobriety, and substance, be appointed by each province, as their

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(1) New York Colonial Documents, Vol. IV pp. 145-148.

(2) Ibid, IV p. 209.

representatives or deputies, which in the whole shall constitute a Congress to consist of twenty members.

(3) That the King's commissioner, for that purpose appointed specially, shall have the chair and preside in the said Congress.

(4) That they shall meet as near as conveniently may be to the most central colony for ease of the deputies.

(5) Since that it may in all probability be New York, both because it is near the centre of the colonies, and for that it is a frontier, and in the King's administration, the Governor of that colony may be, therefore, the King's High Commissioner during the session after the manner of Scotland.

(6) That their business shall be to hear, discuss, and adjust all matters of complaint or difference, between province and province in which Congress the quotas of men and charges will be much easier and more equally set, than it is possible for any establishment here to do for the provinces. Knowing their own condition and each others they can debate the matter with more freedom and satisfaction, and better adjust and balance their affairs in all respects for their common safety.

(7) That in times of war, the King's High Commissioner shall be general or chief officer of the several quotas upon service against a common foe, as he shall be advised for the good and benefit of the whole. (3)

This plan seems to have been well thought out, and based upon the state of the colonies at the time: for in an account of this period we read that the English colonists were so divided against themselves from immaterial causes, that there was no common ground of agreement whatever, and in many cases the Assemblies and Governors of individual colonies were at variance. To quote one account, in South Carolina "Representatives ordered Governor Johnson's Proclamation to be torn from the Marshall's hands and proceeded to open usurpation." (4)

In an English pamphlet written at the time, entitled "The dangers of Europe from the growing power of France," we find the feeling that the colonies should be assisted in settling their difficulties with one another and become more closely united with the homeland, for a curious reason. . . . "With these united colonists and

(3) N. Y. Col. Docs. IV p. 296.

(4) Holmes *Annals of America* (Cambridge 1850) quoting from Ratsey "South Carolina."



what men we send from England . . . we may soon have enough men to make ourselves masters of the Spanish West Indies, and may, with the aid of our northern and southern colonists, destroy the French trade in the East Indies." (5)

From this time on we have an almost ceaseless tale of warfare, with the Indians or with the French. The Treaty of Utrecht (1713) had given the English more land on the north Atlantic seaboard, but the inhabitants thereof preferred to migrate to Cape Breton. Accordingly the New England government gave them more freedom in trade relations.

In the meantime, in England, attempts were being made to divest the proprietary colonies of their charters. This was keenly resented by most of the colonial guardians, notably Lord Carteret afterwards Lord Granville. Some, however, regarded it as an excellent thing. Col. Caleb Heathcote, writing from New York, in 1716, says among other things that he is well satisfied with this rumoured reform, for "If thus the government were reduced, and the country more conveniently divided, a revenue settled by custom and excise on the whole continent would, I believe, defray all needful expenses of the several governments, and pay for ships to guard the posts. . . ." (6)

About 1740, a British merchant whose name is not mentioned, (7) writing of the manner in which war with France and Spain had been carried on, speaks mainly of the British colonies of the West Indies, treating the rest of America as unimportant, although at that time Virginia had a large amount of trade with these islands and with England itself; while the Carolinas exported so much rice that special regulations had been passed regarding their trade; and Georgia and Florida were dealing in silks and furs to a large extent. (8) The northern colonies, it is true, carried on their government as independently as possible, and manufactured much of their own staple necessities. This was keenly resented by the merchants of Great Britain, who went so far as to petition that these colonies might be forbidden to manufacture anything, whether for home use solely or for foreign consumption. (9) No doubt the

(5) Redpath Pamphlets, (1752, No. 21)

(6) Treasury Papers, (1714-1719) CXCVIII, 13.

(7) Redpath Pamphlets, CCCXCVI, 7 (1740).

(8) Douglas, Summary, (London, 1760) & Wynne, British America, II (Lon. 1770).

(9) Smollett, History of England, Vol. II, chap. 1, section 35, foot note.

narrow-mindedness of the merchant mentioned above was due to the same cause.

Meanwhile the trouble with the Indians continued, and war with France seemed imminent. The Board of Trade, therefore, sent over an order that Commissioners should be appointed in certain of the provinces to meet at Albany. (10) This idea was suggested to the Board of Trade and Plantations by the King (George II.) himself, in a letter written by his secretary, as follows: "... it having appeared to His Majesty to be highly expedient that a plan of general concert should be entered into by His Majesty's several colonies for their mutual and common defence.... I am to signify the King's pleasure that you should ... forthwith prepare a plan...." This letter is dated June 14, 1754, and here we find a strange case of coincidence, for on June 19, 1754, acting on instructions from the Board, sent out some six months before, in which there was no mention of union, there met at Albany a Congress to discuss the Indian question; the result of this meeting was the Albany plan of union.

The Congress consisted of four members of the council of New York (11) and commissioners from the following provinces: four from New Hampshire, four from Massachusetts, three from Connecticut, two from Rhode Island, two from Maryland, four from Pennsylvania. Of these the commissioners from Massachusetts alone had received instructions to discuss and try to bring about union, and a confederation "of the subjects of His Majesty in North America for peace as well as war." (12) Added to this we have the fact that one of the Pennsylvania delegates had drawn up in outline a plan of union (13) which he had shown to some of his friends. By this we see the undercurrent of thought which was directed towards this end both in England and in America. When we consider that the earlier letter of instructions for the summoning of this conference was dated Sept. 18, 1753, we see that the movement had arisen in both countries almost simultaneously, and without interchange of correspondence.

The earlier part of the proceedings of this conference was occupied with the Indian question. It is not until the fifth day that we

(10) N. Y. Col. Docs. VI.

(11) N. Y. Col. Docs. VI.

(12) M. S. Journals of the Council of Mass. Hist. Soc. (see Memoir, Mass. Hist. Soc.)

(13) Life and Works of Benjamin Franklin, Jared Sparks (Lanc., 1844).

find any mention of union. Then a motion was made that the Commissioners deliver their opinion whether a union of all the colonies "is not at present absolutely necessary for their security and defence." This was passed unanimously (14) and a committee formed to receive and prepare plans and schemes and mould them into a general plan. This committee consisted of a member from each province. On July 1st, the report of their work was made, and it was resolved that the Commissioners of the several governments be desired to lay the following before their respective constituents for their consideration. The Secretary of the Congress was also instructed to transmit a copy of the report with the vote thereon to the Governor of each of the colonies which had not sent their Commissioners to the Congress. The plan adopted was largely that of Benjamin Franklin, the above mentioned delegate from Pennsylvania. It reads as follows:—

Plan of a proposed union of the several colonies of North America—namely, Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina, for their mutual defence and security and for extending the British Settlements in North America . . . That humble application be made to the Parliament of Great Britain for an Act, by virtue of which one General Government may be formed in America, including all the said colonies: within and under which government each Colony may retain its present Constitution, except in the particular wherein change may be directed by the said Act as hereafter follows, " That the said general government be administered by a President General to be appointed and supported by the Crown, and a Grand Council, to be chosen by the representatives of the people of the several colonies met in their respective Assemblies."

The supporting as well as the appointing of the President General by the Crown was thus arranged to do away with all disputes concerning salary. This had been the rock on which many of the ships of state of the Colonies had struck in their relations with their Governors. The people had a share in the new government by their choice of Grand Councillors. This maintained the balance of power between the Crown and the people. There was much discussion over this measure, it being contended that in England the



Crown had only one-third of the power, the Lords and Commons each holding another, the more conservative element was afraid the Crown might disapprove of the people having so much power in electing a council, and might desire the governors to be their representatives, which would give still more power to the Crown. (15)

To return to the original plan, the next clause states: "That within . . . months after the passing of such Act, the House of Representatives of the several Assemblies that happen to be sitting at that time or are for that purpose convened, may and shall choose members for the Grand Council, in the following proportions, that is to say;

Massachusetts Bay . . . . .	7	Pennsylvania . . . . .	6
New Hampshire . . . . .	2	Maryland . . . . .	4
Connecticut . . . . .	5	Virginia . . . . .	7
Rhode Island . . . . .	2	North Carolina . . .	4
New York . . . . .	4	South Carolina . . .	4
New Jersey . . . . .	3		

There was, of course, much discussion over this, for if the smaller colonies were allowed two representatives, the rest, being in proportion, would make the number rather large and the expenses heavy; but if, on the other hand, there were but one representative from the smaller colonies then inconvenience would result, for if by accident or illness this member were prevented from attending, then that colony would be unrepresented. The lesser evil was therefore chosen, an unwieldy council being preferable to unfair dealing and the possible breaking down of the carefully formed union.

Continuing the articles we find that the Grand Council "shall for the present time meet at Philadelphia, in Pennsylvania, being called by the President General as conveniently may be after his appointment." The choice fell upon Philadelphia because, according to Benjamin Franklin's own notes, "it was the most central point for all the colonies and here the delegates could be well and cheaply housed."

The next clause reads, "That there shall be a new election every three years of the members of the Grand Council, and on the death or resignation of any member, his place shall be supplied by a new choice at the next sitting of the Assembly of the colony he

represented." The three years limit was chosen because it seemed best for both good and bad members. If a man proved capable he would have ample time to distinguish himself, if he were not worthy of his position, he could be removed before he had time to injure the union.

"That after the first three years, when the proportion of money arising out of each colony to the general treasury can be known, the number of members to be chosen for each colony shall from time to time in all ensuing elections be regulated by that proportion, yet so as that the number to be chosen for any province be not more than seven nor less than two." This proportion might become known through the duties which the general council might levy as explained in a subsequent article. When the proportion was known then the numbers might vary as the quota of tax, with circumstances, and the harmony of the parts of the union be still preserved.

"That the Grand Council shall meet once in every year, and oftener if occasion requires, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at, by the President General on any emergency: he having first obtained, in writing, the consent of seven of the members to such call, and sent due and timely notice to the whole." This clause covers all needs of meeting for, as Franklin stated, once a year under ordinary circumstances would be often enough whereas less than this would have been too little, on account of Indian affairs, treaties, etc. The place of meeting could not be a fixed one owing to the probability of occasions arising for extra meetings, near a seat of war, or when any difficulty arose requiring careful personal observation. This settling of difficulties was, as we have seen, the main idea in England when the proposition arose there. 16 The possibility of abuse of power by the President General was guarded against by the requirement of the signatures of seven members to endorse his summons.

"That the Grand Council have power to choose their speaker, and shall neither be dissolved, prorogued, nor continue sitting longer than six weeks at any one time without their own consent, or the special command of the Crown." At this point in the plan there is inserted a brief account of the member's fees, their size and relation to the opinions on such payment current at the time. The assent of

the President General was required to all acts of the Council because he represented the Crown: and it was his duty to see that they were all duly executed. Thus he possessed not only half the legislative power, but all the executive authority. After this follows the powers of making peace or declaring war with the Indians: trading: purchasing land, these are all vested in the President General, with the advice of the Council. When the land had been purchased from the Indians the President General and Council had power to establish new settlements, or extend old ones, making the laws for their government until such time as the population permitted distinct governments to be formed. The Council had the power to raise regiments and pay soldiers, build forts and equip vessels, but not to impress men in any colony without the consent of the legislature of that colony. This clause was inserted mainly to overcome the difficulties previously observed, when the building of a fort or other defence for the protection of several colonies, devolved upon one solely, and became thus too heavy a burden for repairing, maintenance and so forth. Vessels equipped by the union would for the same reason, be less of a burden than the attempted support of an individual navy, and also be at the service of all, and leave no part of the coast unguarded.

Each colony maintained its own right of law-making and levying of duties, etc., but in addition the Union was to have the right of "making laws, laying duties etc., such only as shall be most necessary, least inconvenient and most just." This did not in any way interfere with the constitution of government of any colony, but acted as a preventative of disturbance, when one colony by its indifference in times of stress, might hinder all the others from executing their plans.

Returning to the text of the Plan of Union, we find both a General Treasurer for the Union and also a particular one for each colony. Their powers were to draw upon the various treasuries for the funds necessary for the maintainance of the Union, but for no other purpose, except by order of the President General and Council. This union of the President and Council in matters of expenditure was thought expedient to anticipate and complaints from the British Parliament as to irresponsible waste of funds. The Council was to keep also a yearly account and submit the same to the various Assemblies, to check recklessness.



In the Council of forty eight a quorum was to consist of twenty-five among whom there must be one or more from a majority of the colonies. This quorum was very large, but necessarily so, for any lesser number might have resulted in one portion of the union dominating over the remainder, a most disastrous situation and one which had to be avoided at any cost. Their laws were to be transmitted to the King-in-Council for approbation as soon as possible after their passage. If not disapproved after three years they would remain in force. The above clause preserved the connection with the Crown direct. Benjamin Franklin was greatly in favour of maintaining and strengthening this bond. In a discussion on this sentence he remarked that it was inserted to preserve the connection of the members with the head of the British Empire.

The plan of union closes with the following emergency instructions: "Any colony may defend itself, and lay the burden of the expense before the President General and Grand Council, who may allow the payment of the same as far as they judge such account just and reasonable" this encouraged self-defence, while discountenancing lavish expenditure on small or unnecessary private quarrels." (17)

Before drawing up the above plan of union which had been accepted practically without alteration by the Albany commissioners, Benjamin Franklin had discussed it with his friends, and, a few weeks before the Congress met, sent it to James Alexander, deputy secretary of the province of New York, and at one time a member of the New York House, accused later of treason but honourably acquitted. (18) He forwarded it to Cadwallader Colden, President of the Council of New York, and afterwards Lieutenant Governor. (19) with a letter from which is extracted the following "Some difficulties remain. For example there can not be found men enough tolerably well skilled in warlike affairs, to be chosen for the Grand Council; and there is danger in communicating to them the schemes to be put into execution, for fear of discovery to the enemy. This may be, . . . remedied by a Council of State of a few persons . . . chosen by the Grand Council to be always attending the President-General. . . and digest before hand all matters . . . and lay before the Grand Council . . . only the general plan of oper-

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(17) New York Col. Docs., Franklin's Works and contemporary sources.

(18) N. Y. Col. Docs., Vol. V.

(19) Ibid., Vols. V, VI, VII.

ations." and further on he says " that the capacity and ability of the persons to be chosen, for the Council of State and for the Grand Council be their only qualification whether members of the respective bodies that choose them or not." (20)

Cadwallader Colden, after the persual of these above mentioned documents approved of the Union scheme; but thought it could be carried out by mutual agreement, without appeal to Parliament. If the colonies were willing to and agreed to lay the same duties, and apply them to the security and defence of all, what more would be required? He thought the salary of the Governor should be paid by the colonies. Also he objected to so much power being given to the Council, as they were not removeable by the Crown, and seemed to have a negative on the acts of the Governor. In his eyes this was dangerous to their dependence on England.

In referring to this plan of union, a later writer, G. R. Minot, says, (21) " In contemplating this instrument, one can hardly suppress an enthusiastic spirit of conjecture upon the state of America and Europe, had it taken place . . . If connected with the strong government of Great Britain, it would probably have lasted so long as to retard greatly, perhaps forever to prevent, the revolution of 1776, and its extensive consequences. Blinded by fatal national prejudices, the British colonists would yet perhaps have considered French, Spanish, and other foreign nations as their natural enemies. The commerce of America, so diffused through new channels in Asia and the north-west coast of her own continent, might still have been restricted by the hand of monopoly . . . The British Cabinet rejected the plan for want of sufficient powers in the throne, whilst the provincial governments, fearing the royal prerogative would have been too prevailing an influence, united in the same decision, from opposite motives." (22)

A pamphlet entitled " The Crisis," author's name not given, upon the situation which was engrossing the attention of Europe at that time, namely " peace or war?" digresses to the state of America in this year, 1756, for the American continent would need to be attended to in the event of either result. In the opinion of this writer there were two things necessary to the proper treatment of the American problem. First, the placing of the French within

(20) Benjamin Franklin's Life and Works, (Sparks, London, 1845).

(21) Mass. Bay Continuation, G. R. Minot, (London, 1798).

(22) Minot History of Mass. Bay, p. 198 et seq.

proper bounds, second, the keeping of them there. "This establishment is to be best effected by the varying of the present form, and subjecting the whole tract of colonies under one and the same governor. . . . For this purpose a scheme has been handed about, as a barrel thrown out of the ship of state. . . It seems strange that any colony should expect to have their government more in the hands or power of the people than is the constitution of their parental dam unless the scheme is to set the happiness of the colony in so distinguished a light as may charm over to them the inhabitants of the mother country. . . yet some such government must be established. If the only end proposed is to form a proper union against the French, I think there needeth not this extraordinary measure to attain it, and it seems to me that they were better incorporated, electing a doge out of their own body, as I see no reason why the government here should bear the expense, when the colony assumes all the power to itself. If a general government be thought on, this plan is very easy and clear; the distinct governments and governors remain as before. . the most power that can reasonably be vested in the supreme is to preside in the great council, and execute the laws made by the people and sanctified by the Parliament of Great Britain, as is done in similar cases by the King-in-Council. . . . Some difficulties will occur. . in the allotment of quotas from their probable growth or improvement, by which one may vastly outnumber the other; when double the extent of ground and number of people will pay no more than at first. . This the scheme limits at some kind of a remedy for, but does not remedy the possibility that some may rather be without representation than at any expense since it will happen that the disproportion will increase with the success or industry of the planters, and the value of £8000 a year pay less in one place than £400 in another. . the remedy of the proportion is not so ready as at first may appear. . There is besides a vast variety of matter which schemes rarely reflect on." (23)

Here the writer branches off into a discussion on the abuse of power, and misappropriation of public funds. He sarcastically refers to the American plan as "Utopia is a very fine country, and our Americans are inclined to travel that way; but it is like some of the regions in romance that vanish at mortal appearance. The



desire of grasping at more than we can enjoy is a common failing of our natures, and equally the foible of the prince and the people."

The result of this diversity of opinion, relative to the union of the colonies was that when they were obliged to fight against the French in the well known campaign of 1755-6 some colonies contributed money, some men, some nothing and great confusion thus ensued. (24) In 1757, while a military council was attempting to settle the proportion of the respective colonies (25) Spencer Phipps, commander-in-chief of Massachusetts, died, and his place was taken by one who is closely connected for some time with the welfare of these northern colonies. The former private secretary to the Governor of New York, and later Lieutenant Governor of New Jersey, Thomas Pownall was well acquainted with the conditions of the colonial situation. (26) His brother John was at this time one of the secretaries of the Board of Trade, and a man of great influence. (27) Thomas Pownall promptly "entered into the cause with spirit" (28) and in the next year went over to England to solicit reinforcements for the troops, and, in short, adopted the cause of the colonies for his own. On his return to America, he began collecting the material for his well known book, "The Administration of the Colonies" of which only an outline need be given. To quote his own words he wrote this book to "determine how far the American colonies are to be governed by the vigour of external principles, by the supreme superintending power of the mother country, and how far by the vigour of the internal principles of their own peculiar body politic; and what ought to be the mode of administration by which they are to be governed in their legislative executive, judicial and commercial departments." His situation, when he wrote this book was that of one "unconnected with the politics of the ministry or of the colonies." (29) thereby he gave an impartial uninfluenced opinion. Nature had confined the produce of the colonies to "certain supplies, but their wants extended beyond what they could produce at home, hence the necessity for interchange of produce." This he refers to as the one general composite interest. The political state, on the other hand, where

(24) Minot Vol. I. 25 et seq.

(25) Holmes, American Annals II, (Cambridge, 1808).

(26) Minot Vol. II.

(27) N. Y. Col. Docs. and Gentleman's Magazine 1745.

(28) Minot Vol. II.

(29) All the quotations here given are from Pownall, Administration of the Colonies, Fourth Edition, London, 1773.

the colonies are distinctly separate is artificial. "The political state is that which policy labours to establish, by the principles of repulsion; the natural one is the state under which they actually exist and move." His idea was that some one particular branch of traffic would of necessity predominate and which European state would have the wisdom to profit by this circumstance, and take this interest under its dominion, and into its government. This 'lead' according to Pownall, was now in the hands of England, owing to the French defeat. Therefore it was the "duty of those who govern us to carry forward this state of affairs to the weaving of this 'lead' into our systems, that Great Britain may be no more considered a kingdom of this isle only, with many appendages of provinces, colonies, settlements and other extraneous parts; but as *a grand marine Dominion, consisting of our possession in the Atlantic and in America; united into one great empire, in a one centre, where the seat of Government is.*" To this end he advised either a secretary of state for the colonies, or a board, but no divided power. In a foot note he explains that, in the year following his first report, 1764, an office of secretary was created but "as it was sown in jealousy, as it arose in power it was obstructed at home. . . and the last stages of that unfortunate department became worse than the first." It was dropped in 1772. He contended that the administration ought to be in the hands of a state officer, who should have full control of that department. Full information ought also to be collected of the general state of affairs and of the people. To this end a general bill of rights should be introduced, and what is even more important, an act for the establishing of government and commercial union of all the colonies. In continuation he expresses the opinion that "as a centre of gravity in the solar system would by an increase of the quantity of matter in the planets, be drawn out beyond the surface of the sun, so when the new general system of dominion is formed, the centre of power will, as the magnitude of the interests of the colonies increases, be drawn out beyond the island." He next considers various points and parts in administration, wherein the colonies and crown are related. "Two great points the colonists labour to establish; first, the exercise of their several rights and privileges as founded on the rights of an Englishman; and secondly, as what they suppose to be a necessary measure in a subordinate government, the keeping of the command of the

revenue in their own hands, and also the pay of the officers of government, as a security for the conduct of these officers towards them." He expands largely upon the first of these under various heads, reviewing past actions and passing judgment upon them. Thence he goes on to the relation of the colonies to the "Empire of the King, Lords, and Commons, collectively taken" and waxes indignant over the situation wherein people" of the colonies are no part of the realm of Great Britain . . . and so long as the colonies shall be esteemed in this relation . . . so long will there be factions and oppositions, instead of government and obedience." As is well known Pownall suggested remedies for this state of affairs, which may be summed up in these words: "If statesmen would dare to look for truth in the nature of things they would be naturally lead into the true system of government by following with the power of the state, wherever the actual and real power of the system of things leads . . . ; they would see . . . that there does exist in fact as well as in nature, a real union . . . an actual system of dominion . . . This wants only to be adopted into the system of our politics . . . by the spirit of extending the basis of our operations through a representative legislature through all the parts . . . so as to form a *grand marine Dominion, consisting of our possessions in the Atlantic and in America; united into one empire, with one centre, where the seat of Government is.*"

He summarizes the relative attitudes of Great Britain and America toward this scheme. The inhabitants of both criticize it as unnecessary, inexpedient and dangerous, for entirely opposite reasons. For all of these Pownall has a remedy, justifying his theory in each case. He sums up the whole matter in these words "The people of America require either a common union among themselves, or a union of subordination, under the general legislature of the state . . . If Great Britain would cause their interests to be one, and this unnatural rivalry to cease, let them no longer be considered external provinces." In answer to the American cry of unfair taxation he remarks: "This objection can never be made with propriety . . . by the colonies which are constituent parts of a trading nation, protected by British marines, when they are debts contracted by wars entered into, the first for the preservation of the Protestant interest and independence of the sovereignty of the mother country, the two latter solely in defence and for the pro-



tection of the trade and actual interest of the colonies." In reference to the danger to Great Britain of such a union removing the seat of empire to America we find that "the remedy depends on the progressive increase of the territories, trade, and power of the Ameican colonies—this measure is the only policy that can obviate and prevent this removal." The matter of distance even in those days of difficult transportation was not, to him, an insurmountable one. The colonial members of the Parliament of Great Britain being quite near enough, for "the mutual situation of Great Britain and America very well allows every communication which a member of Parliament ought to have with his constituents, and any influence beyond that is unparliamentary and unconstitutional." Having referred to trade relationships, he prophesies that "put their government on a wise and constitutional basis, regulate their trade, their revenue, their money: do not check their settlement, they must ever be dependent on the trade of the mother country for their supplies, they will never establish manufactures their hands being elsewhere employed and the merchants always able to import such on terms that must ruin the manufacturer. Unable to subsist without, or to unite against the mother country, they must always remain subordinate to it in all the transactions of their commerce, in all the operations of their laws, in every act of their government the several colonies will thus become united—effectual parts of one organized whole, the commercial Dominion of Great Britain."

After Pownall's book had become familiar to the two countries which it concerned, the attention of the people was diverted to the opposite scheme—that of independence. Interwoven with it however was in many minds the hope that a solution would be found in a union much after the Albany plan. Franklin was in England at the time, 1774, (30) having been the agent there for several colonies. Attempts were made to effect a union or reconciliation through him. In course of a conversation with friends of his cause, Franklin had drawn up a plan which William Pitt, Earl of Chatham, heard of, and the latter desired to propose a scheme that would satisfy both parties, (31) to this end he sent for Franklin and consulted him. The following is the plan, as Franklin drew it up.

Hints for a conversation upon the subject of terms which might probably produce a durable union between Britain and the Colonies.

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(30) *Memoirs of the Historical Society of Pennsylvania*, VIII, p. 86.

(31) *Correspondence of the Earl of Chatham*, Vol. III.

1. The tea destroyed to be paid for.
2. The tea duty to be repealed, and all the duties that have been received upon it to be repaid into the treasuries of the several provinces, from which they have been collected.
3. The acts of navigation to be re-enacted in all the colonies.
4. A naval officer, appointed by the Crown, to reside in each colony to see that these acts are observed.
5. All the acts restraining manufacture in the colonies to be repealed.
6. All duties arising out of the acts for regulating trade with the colonies to be for the public use of the respective colonies, and paid into their treasuries. The collector and custom-house officer to be appointed by each governor, and not sent from England.
7. In consideration of the Americans maintaining their own peace establishment, and the monopoly Britain is to have of their commerce, no requisition to be made in time of peace from them.
8. No troops to enter and quarter in any colony, but with the consent of its legislature.
9. In time of war, on requisition made by the King, with the consent of Parliament, every colony shall raise money by the following rules, or proportion viz: If Britain on account of war, raises three shillings in the pound to its land tax, then the colonies to add to their last provincial peace tax a sum equal to one-fourth thereof; and if Britain on the same account pays four shillings in the pound the colonies to add to their said last peace tax a sum equal to half thereof, which additional tax is to be granted to His Majesty and to be employed in raising and paying men for land and sea service, furnishing provisions, transports, or for such other purpose as the King shall require or direct. And, though no colony may contribute less, each may add as much by voluntary grant as they shall think proper.
10. Castle William to be restored to the province of Massachusetts Bay and no fortress built by the Crown in any province, but with the consent of its legislature. (32)

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(32) Mass. State Papers 1770, Message from the House of Representatives.

11. The late Massachusetts and Quebec Acts to be repealed, and a free government granted to Canada.
12. All judges to be appointed during good behavior, with equally permanent salaries to be paid out of the province revenues by appointment of the assemblies, or if the judges be appointed during the pleasure of the Crown, let the salaries be during the pleasure of the assemblies as heretofore.
13. Governors to be supported by the assemblies of each province.
14. If Britain will give up its monopoly of the American commerce, then the aid above mentioned to be given by America, in times of peace as well as of war.
15. The extension of the act of Henry VIII. concerning treasons to the colonies to be formally disowned by Parliament.
16. The American Admiralty courts reduced to the same powers they have in England, and the acts establishing them to be re-enacted in America.
17. All powers of internal legislation in the colonies to be disclaimed by Parliament.

With these hints (33) in Franklin's works are given reasons for each article, advanced by him in the course of argument over the question. The result of this discussion on the case of each clause was thus. The first allowed to stand as it was, the second retained in the face of much opposition. The third and fourth were approved, while the fifth was slightly altered. The sixth and seventh were approved, after much discussion. The eighth was protested against most vehemently, for the Englishmen were quite confident it would never be accepted. The ninth and tenth met with much the same reception, whilst the eleventh provoked such remarks as "officious meddling" but Franklin, true to his views, maintained that those who helped to conquer Canada (34) should have some right to settle its affairs, and "loving liberty ourselves, we wished it to be extended among mankind, and have no foundation for future slavery laid in America." The twelfth was declared reasonable, and the thirteenth, although objections were made to it, was suffered to remain. The next he was prevailed upon to strike out and the fifteenth was readily accepted. The

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(33) Letter from B. Franklin to his son, Franklin's Works III.

(34) Wynne, *British America II* (Franklin, as above, *Minor* Vol. II.



sixteenth was of little consequence and the last doubtful of obtaining consent. (35)

In this same year was spoken that well known and often quoted oration, Edmund Burke's "Speech on American Taxation." It is too long to be given here and too magnificent to be cut down. It seems sufficient to sum it up in his own closing words. "I charge therefore to this new and unfortunate system, the loss not only of peace, of union, and commerce, but of revenue which its friends are contending for. (36)

Early in 1775, after the hints above quoted had been judiciously spread about among those interested, Lord Chatham moved in the House of Lords, the following: "That an humble address be presented to His Majesty most humbly to advise and beseech His Majesty, that, in order to open the way toward a happy settlement of the dangerous troubles in America, by beginning to ally ferments, and soften animosities there, and above all for preventing in the meantime any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes posted in their town; it may graciously please His Majesty that immediate order may be dispatched to General Gage, for removing His Majesty's forces from the town of Boston as soon as the rigour of the season and other circumstances, indispensable to the safety and accommodation of the said troops may render the same practicable." (37)

This motion, although supported by Lord Camden, and "several other Lords who spoke excellently well" (38) was rejected, amid sarcastic remarks that Lord Chatham and his supporters proposed nothing to take the place of the present administration: to this he replied that in a few days he would have a plan for "healing the differences" (39). Upon this proposed plan he consulted with Franklin, and on February 1st, 1775, Lord Chatham introduced his "Provisional Act for settling the troubles in America, and for asserting the supreme legislative authority and superintending power of Great Britain over the colonies." In the main the bill is this;—

"Whereas by an act of sixth George III. it is declared that Par

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(35) See note 33 above.

(36) Burke, Works 1802 Vol. III p. 223, also Redpath Tracts Vol. CCH No. 6, (72.4).

(37) Franklin, Life and Works V also Chatham Life, Chap. XLII.

(38) Franklin.

(39) Life of the Earl of Chatham, Vol. II.

liament has full power and authority to make laws and statutes to bind the people of the colonies ; in all cases whatsoever ; and whereas reiterated complaints and most dangerous disorders have grown, touching the right of taxation claimed and exercised over America, to the disturbance of peace and good order there, and to the actual interruption of the due intercourse from Great Britain and Ireland to the Colonies, deeply affecting the navigation, trade and manufactures of this kingdom, and of Ireland, and announcing further an interruption of all the exports from the said colonies to Great Britain, Ireland, and the British Islands in America : Now, for the prevention of these mischiefs, and in order to an equitable, honourable, and lasting settlement of claims not sufficiently ascertained and circumscribed, may it please your Most Excellent Majesty, that it may be declared, and be it declared by the King's Most Excellent Majesty, by, and with the consent of the Lords, spiritual and temporal, and the Commons in this present Parliament assembled, and by the authority of the same, that the colonies of America have been, are, and of right ought to be dependent upon the Imperial Crown of Great Britain, and subordinate unto the British Parliament and that the King's Most Excellent Majesty . . . had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the people of the British colonies in North America in all matters touching the general weal of the whole dominion of the Imperial Crown of Great Britain, and beyond the competency of the local representative of a distinct colony and most especially an indubitable and indispensable right to make and ordain laws for regulating navigation and trade throughout the complicated system of British commerce . . . and that all subjects in the colonies are bound in duty and allegiance duly to recognize and obey . . . the supreme legislative authority and superintending power of the Parliament of Great Britain as aforesaid. And whereas in a petition from America to His Majesty it has been represented that the keeping of a standing army within any of the colonies in time of peace, without the consent of the respective provincial Assembly there, is against the law : be it so declared by the King's Most Excellent Majesty . . . that the Declaration of Right, at the ever-glorious revolution, namely, " that the raising and keeping of a standing army within the kingdom in time of peace, unless it be by the consent of Parliament, is against

law, . . . cannot be rendered dependent upon the consent of a Provincial Assembly in the colonies . . . nevertheless . . . to quiet and dispel groundless fears . . . be it declared, that no military force, however raised, and kept according to law, can ever be lawfully employed to violate and destroy the just rights of the people. Moreover . . . be it declared . . . that no tollage or other charge for his Majesty's revenue shall be commended or levied from British freemen in America, without common consent, by act of Provincial Assembly . . . and it is hereby further declared . . . that it shall and may be lawful for delegates from the respective provinces lately assembled at Philadelphia to meet at the said city on the ninth day of May next ensuing to take into consideration the making due recognition of the supreme authority of Parliament over the Colonies, as aforesaid. And may it please your Majesty . . . that the delegates may be required . . . to take into consideration (over and above the usual charge for support of civil government in the respective colonies) the making of a free grant to the King, his heirs and successors, etc., of a certain perpetual revenue subject to the disposition of the British Parliament, to be by them appropriated as they in their wisdom shall judge fit, to the alleviation of the national debt . . . and to this great end be it further hereby declared and enacted . . . that the General Congress (to meet at Philadelphia as aforesaid) shall be authorised to adjust and fix the proportions and quotas of the several charges, to be borne by each province respectively, toward the general contributive supply; and this in so fair and equitable measure as may best be suited to the abilities and due convenience of all: provided always that the powers for fixing said quotas shall not extend to the new provinces of East and West Florida, Georgia, Nova Scotia, St. Johns, and Canada; the circumstances and abilities of the said Colonies being reserved for the wisdom of Parliament in their due time. And it is hereby declared that the provisions for the exercise of the right of taxation in the colonies shall not be in force nor have any operation, until the delegates . . . sufficiently authorised by their respective provinces to this end, shall as an indispensable condition have duly recognised the supreme legislative authority and superintending power of the Parliament of Great Britain over the Colonies . . . And whereas divers acts of Parliament have been humbly represented, in a petition to His Majesty from America, to have been found grievous, in whole or in part, to the subjects of

the Colonies, be it hereby declared by the King's Most Excellent Majesty, . . . that the powers of Admiralty and Vice-Admiralty Courts in America shall be restricted within their ancient limits, and the trial by jury restored in all civil cases where the same may be abolished : and that no subject in America shall, in capital cases, be liable to be indicted and tried for the same in any place out of the province wherein such offence shall be alleged to have been committed, nor be deprived of a trial by his peers of the vicinage : nor shall it be lawful to send persons indicted for murder in any province of America to another colony or to Great Britain for trial. And be it hereby declared, and enacted by the authority aforesaid, that all and every said act, or as much thereof as is represented to have been found grievous . . . shall be suspended from the date of this act, and that the before recited acts or the parts thereof complained of, shall be finally repealed, from the day that the new recognition of the supreme authority and superintending power of Parliament over the colonies shall have been made on the part of the said colonies. And for the better securing due and impartial administration of justice in the colonies be it declared and enacted that His Majesty's Judges, in Courts of Law in the Colonies of America to be appointed by the Crown, shall hold office and salaries as His Majesty's Judges in England "*quamdiu se bene gesserint.*"

And it is hereby declared further by the authority aforesaid that the colonies in America are justly entitled to the privileges, franchises, and immunities granted by their several charters or constitutions . . . (which) ought not to be invaded or resumed unless for misuse, or some legal ground of forfeiture." (40)

Lord Sandwich, Lord Gower and the Duke of Grafton spoke for the rejection of the bill ; but Lord Chatham replied to their objections with as much ardour as if he had been a young man, instead of almost seventy years of age and in feeble health. With him were many noted lords, the Dukes of Richmond and Manchester, Lord Shelbourne, Lord Camden, Lord Temple and others (41) and there was much discussion and altercation. Benjamin Franklin remarks that " to perceive the total ignorance of the subject in some, the prejudice and passion of others, and the wilful perversion of plain truth in several . . . gave me an exceeding mean opinion of their abilities, and made their claim to sovereignty over three

(40) Life of the Earl of Chatham, Vol. II.

(41) Lord Mahon, History of England, Chap. LI, (1851).



millions of virtuous, sensible people in America seem the greatest of absurdities, since they appeared to have scarce discretion enough to govern a herd of swine. . . 42 . With this arraignment of the House of Lords, closes for the present our view of their schemes for the settlement of the troubles of America, and propositions for the government.

On February 20th, 1775, Lord North introduced in the House of Commons a pacific motion as follows: "That it is the opinion of this committee for which he was reporting, that, when the Governor, Council and Assembly or General Court of His Majesty's provinces or colonies shall propose to make provision, according to their respective conditions, circumstances, and situations, for contributing their proportion to the common defence, such proportion to be raised under the authority of Parliament, shall engage to make provision also for the support of the civil government and the administration of justice in each province or colony it will be proper, if such proposal shall be approved by His Majesty, in Parliament, and for so long as such provisions shall be made accordingly, to forbear in respect to such province or colony, to levy any duty, tax or assessment or to impose any further duty, tax or assessment, except only such duties as it may be expedient to impose for the regulation of commerce; the net produce of the duties last mentioned to be carried to the account of such province, colony, or plantation, exclusively." (43)

The next speech before the House of Commons, on the reconstruction of the American relations was that of Edmund Burke, who, on March 22nd, 1775, gave the following, usually known as the "Speech on Conciliation with America." "We are therefore called upon again, a previous act having been recently returned from the other House, 44 to attend to America: surely it is an awful subject, or there is none this side the grave" . . . He then reviewed the previous situations in America and the treatment thereof: "To restore order and repose to an empire so great and distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius." The proposition he placed before them was "peace, not peace through the medium

(42) Franklin, *Life and Works, etc.*, Vol. V.

(43) *Tracts, Relating to, 1775* & *Parliamentary History*, 1775, p. 101.

(44) The act to restrict trade and commerce with the Prov. of Mass. & New Brunswick and the colonies of Ohio & R. I. & to prohibit trade to Great Britain and Ireland and the West Indies, and to prohibit such Pros. from fishing on the banks of Nfld.

of war ; not peace to be hunted through the labyrinth of intricate and endless negotiations ; not peace to arise out of the universal discord . . . it is simple peace . . . I propose by removing the ground of the difference and by restoring the former unsuspecting confidence of the colonies in the mother country, to give permanent satisfaction to your people . . My plan therefore being formed on simple grounds . . may disappoint some people . . It has nothing of the splendour of the project which has lately been laid upon your table, (45) Peace implies reconciliation, and, where there has been a material dispute, reconciliation does in a manner also imply concession, on the one part or on the other . . The proposal ought to originate from us . The superior power may offer peace with honour and with safety. The capital leading questions on which you must this day decide are these : First whether you ought to concede ; second, what your concession ought to be. On the first of these we have gained some ground a good deal more is yet to be done . . to enable us to determine both of these questions it may be necessary to consider . . the nature . . and circumstances . . of the object . First the number of people in the colonies. There are two million of European race and about 500,000 others but the population of this country, great and growing as it is, will lose much of its weight if not combined with other circumstances . . The commerce of your colonies is out of all proportion beyond the number of your people . . I have in my hand two accounts. The first a comparative statement of the export trade of this country to its colonies in 1704 and in 1772. The other a statement of the export trade of England to its colonies alone as it stood in 1772, compared with the whole trade of England to all parts of the world, including the colonies, in 1704.

Trade to colonies in 1704 on export side stood thus.

Exports to North America and West Indies	-	£	483,265.
to Africa	- - - - -		86,665.

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Total - - - - £ 569,930.

In the year 1772, chosen because it was the medium between the highest and the lowest, the account is as follows :

Exports to North America and West Indies	-	£	4,791,734.
to Africa	- - - - -		866,395.

To which if you add the exports from Scotland  
(which in 1704 had no existence) - - - 394,000.

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Total - - - - £6,022,132.

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(45) Reference to Lord North's motion mentioned above.

It has increased no less than twelve fold. This is the state of the colony trade as compared with itself at these two periods within the century. Examine the following which compares the export trade of the colonies alone in 1772 compared with the whole trade of England in 1704.

Whole export trade of England, including	
colonies, 1704 - - - - -	£6,509,000.
Export trade to colonies alone, 1772 - - - -	6,024,000.

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Difference - - - - £ 485 000.

Our general trade has been greatly augmented...but with this material difference, that of the six million in the beginning of the century, the colonial trade was one-twelfth part, and is now more than one third of the whole. I choose to enter into these details because generalities, in other cases apt to heighten the subject, here have a tendency to sink it. " He then enlarges at greater length on the colonies from the point of view of agriculture and of fisheries, hence of their comparative economic independence, " through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection." The use of force in settling difficulties is deprecated as but temporary and uncertain, and unfair to the object to be attained, as it may result in division and "nothing will content me but the whole of America." The temper and character of the American will not bear force. His descent from an English ancestry, his forms of government, legislative assemblies and so forth, the religion of the northern colonies " a refinement on the principles of resistance " the freedom of the Southerner regarded as a privilege, the education and profusion of her lawyers, whom the study renders " acute, ready in defence, full of resource," and lastly their remoteness which weakens government, all these have caused " the fierce spirit of liberty to grow up."

Burke went on to prove that there were but three ways of proceeding relative to this "stubborn spirit which prevails in your colonies. First to change the spirit as inconvenient by removing causes. Or second, to prosecute it as criminal. Or again, to comply with it as necessary. The first...is the most systematic....but attended with great difficulties....the temper and character which prevail in our colonies are, I am afraid, unalterable by any human act. The second mode under consideration

seems too big for my ideas of jurisprudence, I do not know the method of drawing up an indictment against a whole people . . . If then the removal of the causes of this spirit of American liberty be for the greater part or rather entirely impractical : if the ideas of criminal prosecution be inapplicable, or if applied, are in the highest degree inexpedient, what may yet remain ? No way is open but the third and last, to comply with the American spirit as necessary, or, if you please, submit to a necessary evil. If we adopt this mode . . . to ascertain the nature of our concession we must look at their complaint. They complain that they are taxed in a parliament where they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint . . . I have nothing to do with the question of the right of taxation . . . The question is not whether you have a right to make your people miserable but whether it is not your interest to make them happy . . . My idea is therefore to admit the people of our colonies into an interest in the constitution . . . You will now imagine . . . that I am on the point of proposing to you a scheme for a representation of the colonies in the Parliament . . . The thing in this mode I do not know to be possible. If we can not give the principal, let us find a substitute . . . My resolutions therefore mean to establish the equity and justice of a taxation of America by grant, not by imposition." (46)

Burke then formulated his remaining remarks into six much amplified statements which are in brief ;

First—that the colonies had not been represented.

Second—that some of the taxes imposed upon them had been burdensome.

Third—that there had as yet been no method found for their representation.

Fourth—that they each had within themselves a representative body.

Fifth—that the above mentioned bodies had several times granted assistance to " His Majesty's service . . . and that their right to grant had been acknowledged by Parliament."

Sixth—that this above method of contributing has been much more agreeable to the colonies than the former way of raising fixed taxes.



He then proposed to repeal certain acts which by the second resolution above were burdens. When his motion was voted upon, however, it was defeated by 192 votes. (47)

At this time according to some accounts of the political parties and their differences, it was suggested that the Rockingham party of which Burke was the spokesman, should unite with that of the Earl of Shelburne but "his (Burke's) hatred of the Earl of Shelburne was at least equal to that which the Earl of Shelburne might have to him." (48) This little passage may be partly accounted for, when we consider the views of Lord Shelburne on the American question.

In a work published first in 1776, at the very time of these discussions, by a Presbyterian divine, Richard Price, there appeared the following noteworthy phrases: "Had we like a liberal and wise people, rejoiced to see a multitude of free states branching forth from ourselves, all enjoying independent legislatures similar to our own. Had we been an umpire in their differences, an aid to them in improving their own free government, and their common bulwark against the assault of foreign enemies...with their increase our strength would have increased...and in union with our colonies... (we might) have been more than a match for every enemy." His remedy for the condition in which England, by not doing all these things, had found herself, was the plan by Lord Shelburne, proposed, "In 1772 after the war had begun." His points are, "meet the Colonies on their own ground, *i.e.*, the last petition of Congress. Suspend hostilities. Repeal all distressing acts. Leave all others to a temperate revisal. Acknowledge the debt of England as that of every individual part, provided that their contributions and the sinking fund be applied as they ought to be, to the paying off of this debt, with the hope that ultimately, with this extra assistance, it may be paid off entirely." The result of this would be the lessening of taxes, a consequent reduction of manufacturer's prices, so that "every contributing part might feel the returning benefit." (49) Here we have the opposing views of two of the Parliamentary leaders at almost the same time, on the same subject and for practically the same object, the retaining of the colonies.

In referring to this pamphlet by Richard Price, it may be noted

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(47) Annual Register XVIII.

(48) Recollections of the Reign of George III, John Nicholls (1822).

(49) Redpath Tracts 1778 Vol. III,

that a reply to his statements, by an American, anonymous, appeared not long afterwards in a weekly of the time, denying his claims and ridiculing his prophesies : " The pretended principles which he affects to lay down with a parade of precision are neither conclusive nor practicable. Authority and tyranny, obedience and slavery, are with him convertible terms." In speaking of this article, it is only fair to note that the author is as strong a partizan of the British claim, from an American view-point, as is Price of the American from a British.(50)

On the side of the colonists of America, we find a scheme, not much noticed, by one who later became a well known figure in Canadian history. In the early seventies, Chief Justice William Smith, then residing in New York, put forward a plan for the union of all the colonies, friendly to the idea. It was not intended to emancipate the assemblies, but " there should be a Lord Lieutenant as in Ireland appointed by the Crown, or the House of Commons and a council of at least 24 members, consisting of deputies chosen by their respective Assemblies, to meet at the central province of New York as the Parliament of North America." To this body it was proposed to make all the royal requisitions for aids, and they were to have authority to grant for all, to settle the quotas for each, leaving the ways and means to their separate consideration, unless in case of default " The number of members to be proportioned to the comparative weight and abilities of the colonies they represent viz :—

Two Floridas, Rhode Island, Nova Scotia, and Georgia, each	5
New Hampshire, Maryland, North Carolina, and Quebec each	7
South Carolina and New Jersey, each	- - - - - 11
New York, Pennsylvania, and Connecticut, each	- - - 12
Massachusetts and Virginia, each	- - - - - 15

..to be increased when the colonies become more populous and desire it. The Crown retains its ancient negative, the British Parliament its legislative supremacy in all cases relative to life and liberty, and to property except in the matter of taxation for the general aids, or for immediate support of the American government."(51)

About this time there appeared the celebrated book of Adam Smith, " Wealth of Nations," 1776, in which, under ' Colonies ' he

(50) *Dumfries Weekly*, September 1776.

(51) Sketch of Smith in Morgan's *Celebrated Canadians* (London, 1852).

writes, "The parliament of Great Britain insists upon taxing the colonies, they refused to be taxed by a parliament in which they are not represented. . . If then to each colony which should detach itself from the general confederacy Great Britain should allow such a number of representatives, as suited the proportion of what it contributed to the public revenue of the empire, in consequence of its being subjected to the same taxes and in compensation admitted to the same freedom of trade with its fellow subjects at home; the number of its representatives to be augmented as the proportion might augment, a new method of acquiring importance would be presented to the leading men of each colony."(52)

In 1784 they are two schemes which will bear examination. The first of these, that of Pierre du Calvet, "ancien juge de paix de la ville de Montréal," who wrote in a small volume entitled, "Appel à la justice de l'état," a letter to Canadians in which he gives a plan for the reform of the present situation. A brief extract follows. (53)

"Cinquième Article de la réforme.. La nomination de six  
"membres, pour représenter le Canada dans le Sénat Britannique :  
"trois pour le district de Québec, et trois pour le district de  
"Montreal . . . Je n'ignore pas que l'opulence distribuée par la  
"fortune..dans les premières classes même de nos citoyens du  
"Canada ne nous mettrait pas dans les mains des sujets faits pour  
"représenter avec éclat et une dignité extérieure une province telle  
"que la nôtre, dans le Sénat Britannique. Il faudrait donc relever  
"leur impuissance par des mises imposées sur toutes les classes  
"des citoyens . . . Cette préparation de défense, en notre faveur,  
"suffirait seule d'avance pour étouffer dans le principe l'occasion,  
"et la nécessité. M. le Gouverneur, qui saurait que nous comp-  
"tons à Londres des représentants au Sénat, pour y défendre nos  
"droits, ne ferait guère tenté de les attaquer, c'est-à-dire de lutter  
"contre plus fort que lui." He also advocated national naturaliz-  
ation of Canadians throughout the whole extent of the British  
Empire.

In the same year, owing to the comparative ignorance of the British people as to their Canadian possessions, particularly of Nova Scotia, and also because of the recent influx of settlers to this region from the revolted colonies, Sir Guy Carleton sent a party under the

(52) Allen Smith, *Woolley and Nettles*, reprint from 1st Edition, 1776.

(53) Dominion Archives, Du Calvet, "Appel à la Justice." London, 1784.

command of Col. Robert Morse to survey the country and report on the "further growth and securing of the colony." In his report we find a most interesting paragraph. It is unique in its suggestion for a central seat of government. "As in the course of this report, my mind has been strongly impressed with the ideas of uniting these provinces (Nova Scotia and New Brunswick) with Canada to the advantage of both countries, and that by establishing the same laws, inducing a constant intercourse and mutual interest, a great country may yet be raised up in America; to facilitate which, it may be found proper to establish a seat of general government and protection; and for this end it has occurred to me that the island of Cape Breton is very favourably situated. It is a promontory, standing as it were between the three provinces, and happily situated for communicating with the several parts of all three, besides being the most safe and sound land for ships to make, coming from Europe. It is likewise contiguous to Newfoundland, and may be said to lie in the centre of all that remains to Great Britain upon the American continent. And as nothing can save these remains but a good and wise government, so the employing of an able man to preside over the whole seems to be the most probable, if not the only scheme. A man of integrity with ability, and a comprehensive understanding to discover the resources and interests of the several parts and unite and apply them for the good of the whole to one great and useful end. These provinces are not only capable of supplying the wants of our West Indian colonies, but by proper encouragement, wise regulations and a good government, may be made a formidable rival to the American States. It is a great country and from the description given, possesses as many natural advantages as any in America. In respect to fishing, infinitely superior, and in point of lumber the province of New Brunswick is inferior to none. It wants inhabitants and these may be drawn from the American states. Persons who have not forgotten the excellencies of our constitution and government, who are tired of the anarchy of their own, may be easily drawn away. Many have already solicited to be received, nor is it altogether without hope that the revolted provinces, having constantly before their eyes written in the most indelible characters, the happiness arising from free systematic government, may be disposed, after fruitless efforts of their own, to return to that connection wherein they found, and perhaps wherein



only they can find, true liberty and union." (54) The influx of Loyalists referred to above was a loss to the colonies that drove them out, and a decided gain to those which received them. Many noted men in Canada to-day are descended from these faithful adherents of the British Crown, and several of them aided in the making of Canadian history themselves. Among the well known names is that of Chief Justice Smith, of Quebec, a New York loyalist, whose earlier plan we have already touched on. (55) His later scheme was for the government of the remaining colonies. In a letter to Lord Dorchester dated February 5th, 1790, he says : . . . " Mr. Greville's plan will most assuredly lay a foundation for two spacious, populous, and flourishing provinces, and for more to grow out of them ; and compose at no remote period, a mass of power very worthy of immediate attention. I miss in it however the expected establishment to put what remains to Great Britain of her Antient Dominions in North America under one general direction, for the united interests and safety of every branch of the Empire. . . To be better understood by your Lordship, I beg leave to put a paper under this cover in the form of an addition to the recent proposed bill, partly suggested by the necessity of something to give a real and useful significance to Your Lordship's nominal command of more provinces that this. . . .

*Proposed additions to the new Canada bill for a General Government* and to provide still more effectively for the government, safety, and prosperity of all His Majesty's Dominions in North America, and firmly to unite the several branches of the Empire.

Be it also enacted by the same authority that there shall be (with a Governor General), a Legislative Council, and a General Assembly, for all His Majesty's Dominions, and the provinces whereof the same do now or may hereafter consist, in the parts of America to the Southward of Hudson's Bay and in those seas to the Northward of the Bermuda or Somers Islands ; and that his Majesty, His Heirs and Successors, shall have power by and with the advice and consent of the said Legislative Council and General Assembly to make laws for the peace, welfare, and good government of all or any of the said provinces or dominions. And that such laws being passed . . . and assented to by his Majesty, etc., or

(54) Dominion Archives - Report-1887.

(55) See plans of Note 31.

in his name by the person appointed as Governor General . . . shall be valid and binding upon the inhabitants of the said dominion or such parts thereof as shall for that purpose be expressed.

And be it enacted by the same . . . that the legislative Council may be composed of at least . . . members from each of the said provinces to be appointed as His Majesty shall direct, and who shall hold their several places in the said council for life, subject nevertheless to such terms and conditions as are annexed to the trust and station of a member.

And be it enacted that such a General Assembly shall be composed of such persons as may be elected by the majority of the House of Assembly of the Province for which they serve. . . . And be it also enacted that to give any acts of the said Governor General, Legislative Council, and General Assembly the force and authority of a law, the same shall have been assented to in the said Legislative Council by a majority of the voices forming a house of council according to His Majesty's appointment thereof and shall have been assented to in the said General Assembly by such and so many voices as will make it an act of the majority of the Provinces, having right to be represented in the said General Assembly, and it shall be a House of General Assembly as often as there shall be assembled one or more members duly elected by each of the assemblies of the said Provinces, or of the greater number of such provinces. And be it further enacted by the same authority that it shall be lawful for His Majesty . . . to authorize and direct his Governor General, . . . in His Majesty's name, and by an instrument under the great seal . . . to summon, and call together, such General Assembly in such a manner as His Majesty shall be pleased to signify and command. And . . . the Governor General, under such instructions as he may have received, may assemble the said Legislative Council and General Assembly where, and prorogue and dissolve them when and as often as he shall judge necessary. Provided, always . . . that they shall be called together once at least every two years and have the right of sitting seven years from the Teste, unless they be sooner dissolved, by the same authority aforementioned. But no member of either shall be permitted to sit or vote until he shall have taken the oath as hereinbefore directed. And be it also enacted . . . that whenever any Bill which has been passed by the said Legislative Council and General Assembly shall be presented for

His Majesty's assent, to the Governor General . . . it shall and may be lawful for such Governor General, at his discretion, subject nevertheless to such instructions as he may from time to time receive from His Majesty, either to declare His Majesty's assent to such Bill, or that he reserves the said Bill until His Majesty's pleasure shall be signified, thereon, or that he withholds such assent. . . And no Bill to be presented and not assented to in the manner aforesaid shall have the force of law. And be it further enacted. . . that nothing contained in this act shall be construed to prevent His Majesty from appointing, erecting, and constituting such general and executive council as he may judge proper, for the said provinces and dominions in general, and any other office in his Royal Judgment and discretion requisite for the said general government, or from nominating and appointing thereto from time to time such persons as he shall think fit to compose the same executive council, or to execute such offices ; or from removing therefrom any person or persons whom he shall think fit to remove.

And it shall be lawful for his Majesty to give authority to his said Governor General, on his arrival in either of the provinces within his commission, to assume all authority and to perform all the duties and functions which the Lieutenant Governor thereof might exercise and perform, and the power of such Lieutenant Governor shall be suspended and so continue during the time of the Governor General being in the same province, and it shall be lawful for his Majesty to give to the said Governor General for the time being, although absent in some other province of his general government, authority respecting any act of the Provinces, of such a nature and tendency as his Majesty may see cause by his Royal instruction to describe, to suspend the execution of such act until His Majesty's pleasure shall be signified respecting the same. To which end it shall be the duty of the person administering the Government in each province subject to the Governor General's authority, to transmit to him a copy of every bill to which he has assented, as soon as possible after the enactment of the same into a law, and shall upon the suspension thereof by the Governor General immediately cause the same to be made known by proclamation under the great seal of his province in the manner most effectual for making the same universally known to the inhabitants of the same province, and all others whom it may concern.

And be it further enacted that nothing in this act . . . contained shall be interpreted to derogate from the rights and prerogatives of the Crown for the due exercise of the Royal and Executive authority over any or all of the said provinces, or to derogate from the legislative Sovereignty and Supremacy of the Crown and Parliament of Great Britain ; but the acts of Legislation of either of the said provinces as well as the Acts of the Governor General and Legislative Council, and General Assembly so made, shall be subject to the Royal disallowance as exercised heretofore, respecting the laws of any of the British provinces ; and the said Dominions and all the Provinces into which they may be divided hereafter shall continue and remain to be governed by the Crown and Parliament of Great Britain, as the supreme legislature of the whole British Empire.”(56)

From this date until 1810 there was but little attempt to alter the relations between England and America. The statesmen of Great Britain were busy with home affairs, and those of Canada with the new system of government given them by the Constitutional Act of 1791. A scheme of union seems to have been formulated by Richard John Uniacke of Nova Scotia, about the year 1800, but the document itself, although referred to in one or two later works cannot be found, (57) hence it must be omitted. In 1814, Chief Justice Sewell, son-in-law of William Smith, already mentioned, drew up a plan of union and representation which he afterwards printed and circulated among his friends, but no copy could be supplied for insertion in this thesis.(58)

The next document that bears on this subject is a “ plan for a Legislative Union of the British Provinces in North America,” by Chief Justice Sewell and Beverley Robinson. This is in three parts. The first is an extract from a paper entitled “ Memoirs on the means of promoting the joint interests of the Mother Country and her North American Colonies.” This begins with a brief review of the state of the colonies since their settlement, emphasizing the fact that the French were as loyal as the English and that it was to the advantage of the Roman Catholic priests to keep their people loyal to England, as the United States were not likely to treat them as well as did their present rulers. . . . “ On the efforts of the inhabitants of the provinces for their defence, in case of invasion

(56) Egerton and Grant, *Canadian Constitutional Development* 110-111.

(57) Mentioned by Taylor, 1867, also McGee, 1867.

(58) Some Sewell material has been found in the Dominion Archives since the writing of the above.



by America, the utmost reliance may therefore be placed : but the disproportion between the means of attack and the means of defence is so great as to call imperiously for every means to augment the latter. Under these circumstances it appears necessary to adopt a course which will tend to consolidate the interests and strength of the province...because no hope of effectual resistance can be entertained unless the strength of the province collectively can be wielded at any time for the purpose of defence...and it cannot be done unless the colonial provisions have reference to them as a whole ... There are at present in America five provinces, Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and Prince Edward Island. These are assimilated to the legislature of the mother country, and are independent in all that relates to her, except commerce and religion. The Imperial Government therefore, although it is bound to provide for the defence of the provinces, manifestly has not the means sufficient to enable her to avail herself of their own resources. A legislative union of the several provinces would in a great degree obviate this evil and consolidate the interests and strength of the provinces . It must of course be a more easy task to conduct one (assembly) than ... five. The members of these five amount collectively to nearly two hundred, whose majority is one hundred and one : but if a united representation was limited to thirty, this majority would be reduced to sixteen. In a general united parliament the representation of any single province would not constitute a majority and therefore no mere local prejudice and attachments would be served, and the interests of the empire and the provinces be considered as a whole. The officers of the executive in each province..would feel themselves secure from the attacks of the democratic members of the provincial legislatures.. and thus, would not hesitate to do their duty and the strength of the Imperial government would be materially increased. One code of military laws would pervade the whole union and a physical force of all the provinces, being thus subject to the direction of the Viceroy or Governor-General, might be wielded for putting down domestic insurrections or repelling foreign invasion.. which of itself is distinctly advantageous to all the provinces... It is not proposed to annihilate any of the offices in the gift of the Crown. Each province is to be left in the charge of a Lieutenant-Governor and the executive department of each province is to be continued."

A further extract from the same source states that the "Legislative Union of the British North American Provinces is founded on the following principles: I propose to leave the several legislatures of the five provinces as they stand at present, the Lieutenant-Governor constituting the third branch; but I propose to leave them power only to enact laws for the welfare and good government of the Provinces severally, and in matters which are purely local. I propose also to constitute an United Provincial Parliament, the lower house, to be formed by a delegation of members from each of the Assemblies in the five provinces, selected by themselves; the Upper House by a selection of members from the legislative council of each province, summoned by writ under the great seal of the United British Provinces, and the hand of the Governor-General. The Governor-General is the third branch; and to this superior Provincial Legislature I propose to give power to make laws for the welfare and good government of the United British Provinces, in all matters of general interest, in reference to the United British Provinces, collectively considered, and to the mother country." After this we have particulars designating the powers of the United Provincial Parliament, in religion, commerce, taxation, defence, all much expanded. "It might happen that some of the provinces should conceive that the United Provincial Parliament had assumed a jurisdiction of power which was not legally vested in it. I propose in all instances . . . declared to be the case by a joint resolution of the Lieutenant-Governor, Legislative Council, and Assembly of any one of the United British Provinces, such statute shall be submitted to the consideration of the Imperial Parliament of the United Kingdom. The delegates shall be . . . to the lower house—five from each province, to the upper three from each provinces." (59)

Next follows the plan proposed by Sewell and Robinson, in the beginning of which all the arguments for and against the proposed union of Upper and Lower Canada are rehearsed. "there is a remedy within the power of Parliament for all these perplexities in the adoption of a measure which is indeed connected with so much more extended views of Colonial policy, that, if upon careful examination it shall be thought unwise in itself, certainly no circumstances of temporary embarrassment merely affecting the Canadas would justify a resort to it. At the same time it must be

granted that if the reasons to be urged in its support are such as make it probable that they will at any time hereafter prevail with His Majesty's government, the assurance that it will in the most unexceptional manner obviate every perplexity attending the Canadas, recommends it most strongly to the immediate attention. The measure alluded to is the uniting of the British North America provinces into one grand confederacy. It has of late years been suggested in various shapes from different quarters, but to be able to form any opinion of the probable consequences it is necessary to propose the heads of the plan. There are five provinces, each very similarly constituted. These might be united into a confederacy of provinces, to be called the United Provinces of British North America, or erected into a kingdom and placed under the government of a Viceroy; the executive government and the local legislatures of the different provinces remaining as they are, except that the functions of the latter would necessarily be confined to objects purely local. A legislature might be constituted for the United Provinces to meet annually at Quebec as being unquestionably the most convenient and proper place for that purpose, and consequently for the seat of the Vice-Regal government. It might be thus composed:—The Legislative Council of three members of the legislative Council of each province, delegated by their respective governors. The Assembly of members from

Lower Canada -	-	-	-	-	-	-	12
Upper Canada -	-	-	-	-	-	-	10
Nova Scotia -	-	-	-	-	-	-	10
New Brunswick	-	-	-	-	-	-	10
Prince Edward I.	-	-	-	-	-	-	6

Newfoundland might also be admitted with a representation of 6. This would give a total of 54, but as Newfoundland has not a representative assembly, a special provision would be necessary.

The representatives might be chosen by members of assemblies from their own body or by the people for this purpose. If (in time) those members would not compose a body sufficiently popular, they might be increased, preserving the proportion. The legislative body so constituted, it would be well to call, in express terms, the Parliament, that they may feel the propriety of abiding by the constitutional usages of the English Parliament. . . . It should have the power of making laws, (under the same restrictions as the

provincial legislatures are at present subject to) for regulating the trade of the several colonies with each other, with the British dominions in general, and with foreign countries; upon all questions of revenues that may arise between any two colonies; for the defence of the provinces against foreign enemies, by proper regulation of the militia; also for securing them against any seditious attempts by preserving the public tranquility. The power of enacting any laws regarding religion, or affecting any religious sect might also be confined to the United Parliament.

To the legislatures of each province might still be left the regulation of all such matters as are purely local, and affect only its own good government, with the power to impose assessments for parochial purposes but not to control or tax imports or exports.

The power of impeaching public officers of the provinces might be given to the upper house of this United Parliament, and confined expressly to them, by which means the provinces would have a tribunal more easily accessible than the Privy Council of England . . . It might also deserve consideration whether it would not be beneficial to constitute the same body an intermediate court of appeal.

Much care would be required in adjusting the fiscal arrangements that would be necessary to comport with this union; on the first impression the course might be that the accounts of receipts and payments should be furnished by each province to the Parliament of the United Provinces, that the Crown reserves raised in the several provinces should continue to be appropriated as heretofore, and that each province might charge the revenue received within itself, from duties on foreign imports, with the amount necessary to maintain its civil list provided the same be settled by a permanent act. The balance only of such revenue to be appropriated by the joint parliament. Leaving this as a very hasty and imperfect attempt to define the objects and the powers of the proposed parliament, it is to be considered how . . this union of the provinces, or rather (taking the more respectable suggestion) their erection into a kingdom of British North America, or of New Albion, would probably be received by the inhabitants of the provinces. Also the advantages that may be obtained from it, the possible evils and inconveniences. It does not seem probable that any objection could be reasonably entertained against such a measure the tendency



and the apparent design of it would be most flattering to all the colonies. It would elevate them into an important and really integral part of the empire. The interests of each would come into competition in the United Parliament upon equal terms, and all would be subject to an immediate control which might be conveniently exercised without injustice either in fact or in appearance to any. In their own internal economy each province would be left to itself and enjoy its accustomed facilities of legislation.... The advantages that might be expected are obvious, and may be regarded as certain. First, if adopted, or even if avowed to be under consideration at the present moment, it would most effectually set at rest the inquietude of the French population, and the apprehensions of the anti-unionists party (60) in both the Canadas, while it would as effectually silence the importunities of those who are urging a measure of which it is to be feared they take a very partial view, and of which the consequences might be at once perplexing to the government, very injurious to one province, and productive of no good to the other. If the French Canadian influence in the Assembly of Lower Canada may be justly charged with having been the cause of much public evil in that colony, that would certainly cease, on His Majesty's Government having to deal with an Assembly subject to no local influence or national prejudice: The mutual claims of the two Canadas, with respect to revenue and commerce, growing out of their relative geographical positions, could be very conveniently settled in such a body with every advantage of free discussion by the representatives of each province. These good effects must follow the proposed union; but there are others which it seems reasonable to anticipate. The four continental provinces, though not compactly situated, are not disjoined, and their peculiar situation seemed to call for a union; they have a common interest and are exposed to a common danger. It is therefore unquestionable that at this moment a proper spirit and feeling prevades the whole. This spirit and this feeling could not, it is believed, but be strengthened and preserved by making these provinces actually a part of the United Kingdom. Against these and other advantages that may be expected, must be set not only the probable but also the possible evils and inconveniences of the measure. It may be admitted that the Provinces have been hitherto

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(60) This is also referred to in Christie's History of Lower Canada, 1791-1841 (Quebec, 1849, p. 386.)

firm in their allegiance. still unquestionably, after what has happened in the other colonies, an Englishman is entitled, in his estimates of future prospects, to set out of view all ties of gratitude and allegiance and to consider the course into which the interests of the colonies may lead them ; and not that to which their duty should bind them, as the line of conduct they are most likely to pursue. This mode of viewing the subject may be regarded by the colonies as unjust, or at least ungenerous, but perhaps it is the only safe one. It may therefore be objected to this measure that it would give the colonies the means of acting in concert against the mother country, and afford the same additional facility of throwing off their allegiance, upon any unfortunate disagreement, as of preserving it as long as they may choose to remain attached to Great Britain. There is weight enough in this objection to entitle it to very serious consideration. It must be taken into account however that the colonies of the present day have no longer that pretence for impatience which was the ostensible cause of the revolt of the American Colonies. Their connection with Great Britain is productive of unmingled advantages. It is impossible to foresee what they could gain by a change in their situation. As independent states the whole charge of their defence must devolve upon themselves, whereas now they are protected by the fleets and armies of Great Britain. But the least examination of their position shows that they could never hope to subsist or maintain themselves as independent states, because they could never protect their commerce. The outlet to the Ocean from both the Canadas is by one channel, which the navy of any foreign power would be sufficient to obstruct. Indeed all the colonies in question are so situated so to leave them no rational hope of preserving their independance by their own strength . . . It appears to be the most reasonable anticipation that the union of all these provinces under one legislature instead of endangering, would bind more closely the allegiance of the whole. To the influence of the particular government of each province, that of the general government would be added, and it is not an immaterial consideration that with respect to Newfoundland and Prince Edward Island, it appears next to impossible that any imaginable change of circumstances could make it their interest to detach themselves from the British Empire. Allowing the objection stated to be one of weight, it may be said on the other hand that it

is an ungenerous policy which would seek to hold countries in subjection by repressing their energies and that security of honour and strength to the Empire and the colonies would be found in drawing more closely the ties which connect them, by allowing the Parliament of the United Provinces to be represented in the British Parliament by one or two members, who should have power to propose and discuss measures but not to vote—or to vote only on matters immediately affecting the colonies.—Perhaps it would not be found impracticable to group the colonial possessions into six or seven confederacies, according to situation, and to allow to each of these a representative in Parliament. This actual consolidation of the British Empire would be at least a grand measure of national policy, and by allowing to the inhabitants of the most remote possessions of the Crown, an opportunity of making known their wants it would make them feel themselves a part rather than dependencies of the Empire.” (61)

In the same volume is found “Remarks on this Plan” a pamphlet from the opposite point of view, by James (afterwards Sir James) Stuart. He criticises the plan as being much the same as Franklin’s, which had not been acted upon, and . . . “it is now proposed that a similar plan should be acted upon under very different circumstances, and with reference to very different objects. This plan is called a ‘legislative union’ but it is plain from the explanations given, that a federative union is contemplated. . . The present local legislatures are to be permitted to subsist and a general legislature . . . established for regulating certain public concerns common to all the several provinces. On this proposition two questions occur. First, whether the present state and condition of the British North colonies are such as to require a federative union of them on any terms? Second, whether a federative union among these colonies would supersede the necessity of the proposed Union of Upper and Lower Canada, under one legislature?”

The author then proceeds to prove that by estimates of population and territory the two islands were too unimportant to be separate provinces and hence the only members to be added to the Canadas would be Nova Scotia and New Brunswick to which the two islands would be annexed. But . . . “between the Canadas and New Brunswick there is absolutely no intercourse, . . . they have no exchangeable commo-

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(61) Canadian Pamphlets relative to change of Government—Dominion Archives, Sewell and Robinson, 1824.

dities admitting of any trade between them by sea Nova Scotia is remote, only accessible from Canada by land through New Brunswick, and keeps up a small trade with Lower Canada in productions of the West Indies. Between Lower Canada and Prince Edward Island there is hardly any communication whatever, some trade between that province and Newfoundland has been maintained by the exportation of flour and biscuit to the latter."

He also takes up the proposed duties of the legislature and proves that more are necessary. He considers that "no useful or legitimate purpose (can) be answered by a general union at this time of the British Provinces." He follows this line of argument all through, winding up with "It would have been well if the authors of the Plan of General Union, in opposition to that of a union of the Canadas, before exerting their influence adversely to the latter, had considered what prospect there could be of improving the resources and strength of the Canadas, and rendering them capable of resisting a foreign enemy, under a system tending to alienate so important a part of the population from the government and to prevent its increase. It is plain that the evils would not be counteracted by a proposed general union, as the power of the general government could not exert itself on any of the causes that now produce those evils. Upon the whole, a dispassionate consideration of the subject, it is presumed, must lead to the conclusion that a General Union of the British Provinces would not at this time be expedient, but prematurely adopted, and that such a measure if resorted to, would not in any way supersede the necessity of the proposed union of the Canadas under one legislature; but on the contrary the latter measure ought to be considered as preliminary to the former." (62)

John Strachan, Bishop of Upper Canada, published in London this same year, "Observations on the policy of a General Union." In it he says; "The policy of such a measure had frequently engaged my attention before the union of Upper and Lower Canada was projected; but since that has been in agitation, I have (examined) it more minutely, and it certainly appears to me that every argument that can be advanced in favour of partial union applies with much more force to the general union, and that the probability of its success is much better founded." He comments upon the

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(62) Dominion Archives. Colonial Office Records Canada Q. 164 Pt. II, page 323 et sequ.  
Also found, bound, in Canadian Pamphlets, Vol. 5. Library of Parliament.



scheme given already, of Chief Justice Sewell, and finds only one fault in it, i.e., "it is too confined in its views—too small a number of members for the general legislature to enable it to assume that dignified position which it ought to maintain." Bishop Strachan is evidently unaware that the scheme referred to is the joint work of Sewell and Robinson, and he incloses an outline scheme, apparently of more recent origin, by J. B. Robinson, which has been sent to him. This sketch for a constitution for British North America is, in the main, as follows :

"The legislative power herein granted shall be vested in a general assembly or parliament of the British Provinces of North America, consisting of the Governor General... a Legislative Council and House of Assembly. The Legislative Council shall be composed of members to be chosen by the Governor, Lieut.-Governor, or person administering the government of the several provinces—from their respective legislative councils, and to continue for a like period as the members of the house of assembly.

The house of assembly shall be composed of members chosen by the provincial assemblies from among their own members during the first week of the first session of each parliament and to continue four years, or the same time as the interior or provincial legislatures. The general legislature or parliament shall have power to :

- (1) To levy taxes, duties, imports and excises, and collect them.
- (2) To pay debts and provide for the peace and welfare of the different provinces.
- (3) To establish uniform commercial regulations between the different provinces and between them and foreign countries, provided the same be not repugnant to Great Britain.
- (4) To establish uniform laws of bankruptcy throughout all the provinces.
- (5) To determine all disputes on questions of revenue that may arise between the provinces.
- (6) To regulate the navigation of rivers and lakes common to two or more provinces, or common to any province or provinces and a foreign power.
- (7) To open internal communication for the general advantage, such as roads, canals, etc.
- (8) To provide for calling forth the militia to execute laws, to suppress insurrections, to repel invasion, and to adopt and establish a uniform system of militia laws.

The general legislature shall not have power to tax any articles exported from any colony : nor shall any preference be given by any regulation of commerce or revenue to the ports of one province or those of another : nor shall the vessels of one province pay duties in another.

All bills for raising revenue shall originate in the House of Assembly : but the Legislative Council may propose or concur with amendments as in other bills.

There shall be a Court of King's Bench to take cognisance of causes respecting the breach of the union laws, and controversies between the inhabitants and foreigners.

There shall likewise be a Court of Appeal from the provincial courts whose decision shall be final. All papers and proceedings to be in the English language, not only in the superior but in the inferior provincial courts.

Full faith and credit shall be given in each province to the public acts, records and judicial proceedings of other provinces.

The inhabitants of each province shall be entitled to all the privileges and immunities of the inhabitants of the other provinces.

A person charged in any one province with treason, felony or other crime who shall flee from justice and be found in any other province, shall on demand of the executive authority of the colony from which he has fled, be delivered up to be removed into the province having jurisdiction of the crime."

Several other powers such as emitting bills of credit, impeachment, passing laws, imposing duties, etc. are then mentioned as also conferrable upon the general parliament.

The advantages of this scheme, according to its author, are . . . "a community of interest and of feeling The number of members being comparatively few could be easily managed, and being composed of the most intelligent members of all the colonies, a more liberal policy would be adopted in their proceedings than could be expected from the provincial legislatures.

A seat in the legislative council or assembly would become a very great object of ambition. The superior legislature would naturally be attached to the parent state as a link of connection, and being composed of eminent men, their good sense and future hopes would induce them to value this source of their prosperity and future prospects. This union would become a great barrier against the United States.

In regard to Lower Canada, the feelings and apprehensions which at present distract its peace would gradually subside without any disagreeable struggle. The Union would preserve inviolable the interests of each, and adopt a uniform rule for all, in their intercourse with foreign powers. The connection between the North American colonies and the West Indies would soon become more intimate. On the other hand it might be said that the general legislature might become the focus of rebellion, and give unity and consistency to any attempt against the parent state. This appears to me far from probable. If such were confined to one province then the general legislature could judge them impartially: if the misunderstanding were general the Imperial Government would attend to a representation from so responsible a body. But it might be apprehended that such a government might connect itself as an ally to the United States. This general government, like any other, would look after its own interests and attend to the continuance of its power, which would be best promoted by remaining faithful. Difficulties between the general government and the provincial can produce little effect, the interests at issue will undergo a liberal discussion in the general parliament, and, as its members are sent by the different colonies, they will be jealous of their rights and privileges. It may be said that the general union meets not the principal difficulty, which is to make the French of Lower Canada gradually English and to give the English population a just share of political power. A short enactment ordering the law proceedings in the Legislature and in the Courts of Justice of Lower Canada to be in the English language, and in no other, would produce these advantages much sooner than by simply uniting the two provinces. If the great William Pitt considered the constitution which is conferred upon Canada one of the glories of his life, what glory may be expected to rebound to the statesmen who give a free constitution to all British North America, by consolidating the colonies into one territory or kingdom, exalt them to a nation, acting in unity and under the protection of the British Empire and thus preventing forever the sad consequences that might arise from a rival power getting possession of their shores." (63)

At the close of this volume of the M. S. S. in the Canadian Archives there appears a plan which has never been printed, bearing the signature, "F. F." It is entitled, "A short review of a plan for uniting the provinces of North America under a congress or general legislature." The plan proceeds upon the idea that there is too much democracy in the provincial assemblies and a want of a sufficient counterpoise on the side of the several governments. To remedy these evils it is proposed to institute a general or congressional assembly to be composed of a smaller number of representatives, and to increase the influence of the crown by transferring to the Governor-in-chief all the patronage, which is at present exercised by the several heads of the provinces. . . . "Upon a careful investigation of the various objections made by the inhabitants against a union of the two Canadas, it will be found that there is not one which may not be applied to the legislative union of the American colonies, and a number of new arguments will be found. Suppose that the advantages enjoyed by the colonies are superior to those of independence, the colonies may arrive at a different conclusion upon comparative estimates of the states of freedom and dependence will it thus be prudent to prepare the way by creating a congress similar in form and function to that of the Republic, and thus habituating the colonists to a mode of government which is already sufficiently seducing to that great body of people which make every state? As a general question, I am of the opinion that the proposed union of the Provinces of North America under one congress or central legislature, would accelerate their political growth and power, and in a probable event of any difference with the parent country would occasion their loss to the British Crown." (64)

The British Constitutional Society of Montreal in 1830 published as their rallying word the "Maintenance of the union with the mother country," (65) and in 1831 Joseph Hume in the House of Commons of Great Britain, spoke on the importance of Colonial interests. In regard to the question then agitating the United Kingdom. "Why should not so important a part of the King's domains come within reach of so important a change? "His proposal was to give the colonies a partial representation. "Such an alteration would place England in a much better relative situation as regards its colonies a few members from the Colonies would not

(64) Dominion Archives, Colonial Office Records.

(65) Dominion Archives, and McGill pamphlet collection.



derange the proportion to an injurious degree. Nineteen members, arranged in the following way.

British India	-	-	-	-	-	4
The Crown Colonies	-	-	-	-	-	8
British America	-	-	-	-	-	3
The West Indian Colonies	-	-	-	-	-	2
Jersey, Guernsey, Alderney and Sark	-	-	-	-	-	1

These would be quite sufficient.

His proposal provoked much discussion in the House, but was negatived. (66) The following year there appeared quite a substantial book, on "The Rights of the British Colonies to representation in the Imperial Parliament." The author, David Chisholme, a Canadian, resided at Three Rivers. He began his book with a review of the opinions of Pownall, Smith, Grenville and Burke. Then followed an "historical sketch of the beneficial consequences of national and legislative union," treating the idea of representation of the colonies as a natural right. He gave ample reasons also for their constitutional right of representation. The work is difficult to extract from, and would well bear reading as an opinion of contemporary Canadian feeling upon the subject of Hume's idea. (67)

At this time the sense of the importance of the colonies was being impressed upon the people of England in many ways. Politicians of England were quoting trade figures, and preachers were exhorting the legislature to prevent a repetition of 1776, by yielding at least in part to the demands of the colonies for an alteration in the Government. In Canada, both Upper and Lower, the cry for a change grew louder with each investigation. The House of Assembly appointed a "Select Committee" to report on the Political State of the two Canadas, and their report was published in 1838. Among other proposals for a better government, we find, "First the repeal of the Constitutional Act, second, . . . a project of a more complex and important character, viz, a legislative union of all the North American colonies . . . one of the most important advantages is the establishment of British ascendancy without any change in the principles of the existing constitution. . . If the whole of these colonies were so far united as to be represented in one legislature, they would be enabled to increase and distribute their resources for

(66) *Observations on the Rights, etc.*, Chisholme, (Three Rivers, 1832), appen.

(67) *Ibid*, main subject matter.

the benefit of all, so that the abundance and facilities of national wealth would place them on a level at once with many powerful nations. If this measure should be considered as the one to be preferred for the final settlement of the government of these extensive colonies, the Imperial Parliament should have its attention drawn to the necessity of considering whether it would not be desirable to continue the Provincial Assemblies, with powers limited to the adoption of laws for their local and domestic government—separate from questions of trade and commerce and such matters as must of necessity affect the interests of all the colonies. In connection with this point—your committee are impressed with the conviction that no act of our beloved Queen would give to her loyal and devoted subjects more grateful evidence of her desire to perpetuate their allegiance than incorporating in her royal title the distinct claim of Sovereignty over these extensive and valuable possessions. 68.

In 1838, as is well-known, John George Lambton, Earl of Durham, was sent out to investigate matters, which had come to a crisis. A large number of letters and documents written to him at this time have recently come into the possession of Canada, and among them were several references to a union of all the provinces, as a solution of the whole matter. A commission to Lord Durham, unsigned, but bearing the endorsement of Mr. Markland, Inspector General of Upper Canada—discusses various remedies, among them the question of a federal union of all the North American Provinces.

69. "The combination of so many provinces under one general government would, no doubt, give them might and power, such as must impress the adjoining nations with a sense of their importance, and create for them a character which would make them known to the world at large. As a whole it is to be viewed with anticipated admiration, and one sees it mentally afar off, as if hereafter some mighty destiny would be connected with it." There are also letters against this form of reconstruction, one N. C. Radiger writes from London objecting strongly; and several Montreal gentlemen, among them Hon. George Moffatt, and Peter Badgley, in letters to London, both private and otherwise, stated their disapproval. In August, 1838, Adam Thom, a prominent writer on Canadian political subjects, recommended direct election for the proposed legislature of

(68) *Canadian Pamphlets, M6611 and Parliamentary Libraries*

(69) *Durham Papers, I, 1. Dominion Archives*

the federated provinces of British North America. In September Cornelius Little of Charlottetown, Prince Edward Island, wrote that the people of the Island would welcome a federal union of the provinces.(70)

Lord Durham himself, in his report, states, "But while I am myself convinced that such desirable ends would be secured by the Legislative union of the two provinces, I am inclined to go further, and enquire whether these objects would not more surely be attained by extending this Legislative Union over all the British Provinces in North America. . . it would form a great and powerful people, possessing the means of securing good and responsible government for itself. I believe that the practical relief from undue interference. . . would strengthen the present bond of feeling and interests, (and give) greater scope and satisfaction to the legitimate ambition of the most active and prominent persons to be found in them. Nor would an union of the various provinces be less advantageous in facilitating a co-operation for various common purposes of which the want is now very seriously felt. There is hardly a department of the business of the government which does not require, or would not be better performed, by being carried on under the superintendence of a general government.

And when we consider the political and commercial interests that are common to these provinces, it appears difficult to account for their having ever been divided into separate governments. . . It would appear that every motive that has induced the union of various Provinces into a single State exists for the consolidation of these colonies under a common legislature and executive. They have the same common relation to the mother country, the same relation to foreign nations. . . Their internal relations furnish quite as strong motives for union. . . But the interests which are already in common between all these provinces are small in comparison with those which the consequences of such a union. . . would call into existence. . ." Lord Durham elaborates his plan in the pages succeeding this account, (71) as may be seen by reference to it.

In 1839, G. A. Young, in a pamphlet entitled the "Canadian Question" remarks, "We would suggest then in the first place the union of the two provinces and of the representatives of the two races in the same elective chambers; . . we would surround the king's

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(70) Durham Papers, III, 1 and 2. Dominion Archives.

(71) Lord Durham Report P. 225 et seq. G

representative with an executive council chosen by the Crown and dismissable at pleasure. To such a council we would call all persons who, from talents, station, and property enjoyed the confidence of the community in which they lived: carefully excluding the judicial powers but admitting freely members of the two legislative chambers, the heads of depts. and other officers of government. From this council it might be the prerogative of the governor to summon such a cabinet as he should deem best calculated to assist him and on great emergencies the whole of its members might be convened. We would make the upper chamber or legislative council elective, not in all respects resembling the lower house. If the lower sat for three years or four, the upper might sit for six or seven: or might be constituted a fixed and permanent body, notwithstanding the dissolution of the lower house by the Governor. To it we would give the much contested right of trying impeachments referred by the house of Assembly, subject to an appeal to the House of Lords or the Judicial Committee of the Privy Council. . . . We would also claim for our North American colonies that direct representation in the Parliament of the United Kingdom to which their importance justly entitles them. We believe that this direct representation would be a powerful link to bind the colonies to the parent state: but we should very seriously doubt whether a federal union of all the colonies in British America would tend to preserve and strengthen the integrity of the Empire. We would rather therefore, consider the Government at home as the central power, presiding over both the United Kingdom and the Colonies; but giving to our American fellow-subjects a voice in the Imperial Legislature and a free system of local government, we would at the same time protect them against the exercise of that power in a manner prejudicial to their interests.(72)

The following years were devoted to the formulating and passing of the Act of Union. Whilst this was in progress there appeared in Montreal a pamphlet, author unknown, in which a frantic appeal was made to the Canadian people to remain as they were. "Will you, oh Canadians, renounce your interest in a growing empire, which even now shines among the nations as a full moon among the dimmed stars? Will you employ a union which hope and fear are alternately cradling into a doubtful existence, as a wedge for rend-

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(72) London, 1830 McGill Pamphlets



ing aside a union which destiny and virtue have conspired to foster into vigorous and enduring maturity? Remain as you are, unless the time proves ripe for uniting with the Lower Provinces but even then we can hardly hope to withstand the pressure of our neighbours, along a frontier of two thousand miles. . . Flee all temptations, through exalting and purifying the reflection that on your fidelity as a Keystone of England's colonial dominions, depends the salvation of an empire such as the world has never seen since Noah's ark descended as sovereign of the green earth, from the pinnacles of Ararat." (73) This extract shows how excited the people could become over the question.

After a lapse of five years we find Major Warburton, in his "Hochelaga," stating "I should rejoice to see all the British North American possessions, Newfoundland included, united under a central colonial government, and represented in a common legislature: each however, retaining its own assembly for local and particular purposes. It would have the effect of nationalizing "England in the New World," as distinguished from America. Plans for mutual advantage and assistance could be more readily and efficiently carried out. The principle of government in these united provinces should be . . . centralized, a perfectly free legislative assembly, with a vigorous and judicious executive: patronage fairly distributed, and confined scrupulously to the people of the country and perfect independence of the judicial bench and legislative council, beyond the popular control: but at the same time as little as possible under the influence of the prerogative." (74)

From this time on we can trace the development of that desire for a federation of the North American colonies which ultimately culminated in the Confederation of 1867. It becomes stronger in the case of those who had hoped for it in earlier years, and arouses a corresponding firmer opposition in those who had feared it as an impending evil. In 1848, the present Intercolonial railroad was surveyed by Wm. Robertson, who wrote in his report. "If for great political objects it ever becomes necessary or advisable to unite all the British provinces under one government, then there will be formed on this side of the Atlantic, one powerful British State, which, supported by the Imperial power of the mother country, may bid defiance to all the United States of America. . . The means to

(73) Montreal, 1841, "Tree with many trunks" by Ararat.

(74) Warburton, *Hochelaga*, Vol. I, (London, 1846).

the end, the first great step to its accomplishment in the construction of the Halifax and Quebec Railroad." (75)

In 1849, J. A. Roebuck, the ardent advocate of Colonial liberties in the British House of Commons, published a book entitled "The Colonies of England," in which he said. . . I propose to unite into a federate system, the following colonies.

- (1) Nova Scotia and Cape Breton.
- (2) New Brunswick.
- (3) Prince Edward Island.
- (4) Lower Canada.
- (5) Upper Canada.
- (6) Newfoundland (if the people so desire).

These provinces must soon be independent unless you take steps of a peculiar and decided character. . . He who seeks to form a great and comprehensive plan by which British North America may be rendered the seat in future times of a powerful and happy people, must first carefully consider and accurately determine the limits of the existing colonies. He must frame some scheme for the division into provinces of the land and territory unappropriated. He must also frame some general plan of government for the existing colonies and provide for the reception into the federation of all such future provinces as may arise in British North America. It should also be remembered that this government is a federal and not a general government. A general government would override all subordinate ones, whereas if it were clearly shown to be a federal union, a government created merely to settle common matters, there would be great interest felt in its favour. Colonies have many matters of joint interest, . . such for example as the regulating of the circulating medium, bankruptcy, intercommunication, post offices. Amongst the most important functions of the federal government are those of the judiciary. . . The Supreme Court among other matters subject to it would have the following.

- (a) Disputes arising between the separate colonies.
- (b) All questions involving an invasion upon provincial rights or invasion upon the rights of the general government.
- (c) Impeachment of the Judges and other officers, preferred by the provincial legislatures.
- (d) Piracy.
- (e) Treason.

This closes the description of a federal government. (76)

In 1850, Henry Taylor, writing on the present condition of Upper Canada as regards her agriculture, trade and commerce, stated: "Now a plan has been proposed for a federal union of all the North American Colonies; I make mention of a very important advance in their condition, which I advocated in a work eight years since. (This pamphlet was not available) a proposal to obtain a representation of each of the North American Colonies in the Imperial House of Commons, by a certain number of representatives chosen for that purpose by each colonial legislature . . . as it is hardly possible to suppose it was intended to have all the local interests of the various colonies to be represented in one General Assembly, we must conclude the intention is to leave to each colony its own local legislature . . . it appears to me that this United Congressional Assembly would be rendered of much greater utility to the interests of all these colonies were they deputed to meet in the British House of Commons. There, on any question relating to the interests of the Colonies, they would meet in Committees on the subject and, the question being decided a report would be made to the House of Commons for its final decision. By this mode a federal representation might be effected in the heart of the British Parliament." He then forms a scheme for local legislatures, much the same as have been advanced heretofore. (77)

The next year, in the Legislative Assembly, a motion was brought in by Hon. Mr. Merritt, that the British North American provinces be authorized by the Imperial Government to call a convention of elected representatives from Upper Canada, Lower Canada, New Brunswick, Nova Scotia, Newfoundland and Prince Edward Island. "To take the situation and circumstances of the B. N. A. provinces into consideration, and to frame such a constitution for their future government as in their judgment will best promote the general interests of the inhabitants and welfare of the respective Colonies." This motion was negatived, 17-51 (78) The time for federation was not yet ripe although the subject was interesting more of the general public every year. "The British Colonist," a paper of the time published a series of articles on the subject by H. P. Sherwood, in

(76) The rest of the book being upon subjects not of interest to this scheme.  
Canadian Library of Parliament - Canadian Pamphlets.

J. A. Roebuck "The Colonies of England" (London, 1849).

(77) Parliament Library. Canadian Pamphlets. H. Taylor (Toronto, 1850).

(78) Journals of the Legislative Assembly, 1850.

which he wrote, "I beg leave . . . to propose a scheme for a Federative Union of all the B. N. A. colonies, by means of which a more satisfactory . . . political condition may be expected. I would suggest that a definite and explicit constitution for a federal government be prepared by the British Government and given to us under the sanction and authority of an Act of the Imperial Parliament which, however, should be submitted to the Provinces respectively for their adoption . . . the result of such a union will in my opinion be the permanent establishment of British ascendancy throughout the whole of Her Majesty's North American possessions. (Here follows the proposal for the incorporation of Canadian sov'g'ty in the Royal title, as given in full in the Report of the Select Committee (79) of which Sherwood was chairman) The Federal Government should consist of the Vice-Roy and two chambers, both of which should be elected. The Legislature thus constituted should have power to legislate on all questions connected with public domain, trade, commerce, postal arrangements, public canals, and railroads running through more than one province . . . and all such matters as concern the interests of more than one or of all the provinces. . . . A constitution must be granted to each of the Provinces comprising the federation. Each to have a legislature consisting of a Governor . . . and of two chambers . . . to be both elective. Each provincial legislature to exercise powers limited to the adoption of laws for their local or domestic governments. The constitution of the federal government should provide for the erection of a Supreme Court. . . . Upon the proposed federation the union of the two Canadas should at once be dissolved and those provinces restored to the same position as they held before, . . . except . . . it be thought prudent so to extend the boundaries of Upper Canada, as to include in it the Eastern Townships of Lower Canada, . . . almost entirely British. There follows the plan in great elaboration of detail in a series of thirty-five divisions which are too long to be given here. (80)

In the Legislative Assembly of 1853 we find that two townships united to ask the Legislature for a Union of the British North American provinces. No notice was apparently taken of this. (81)

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(79) Above note (68).

(80) Archives Sherwood (Toronto, 1851) pub'd as pamphlet *Federative union of B. N. A. Colonies*

(81) Journals of the Legislative Assembly, 1853



A maritime opinion on the subject is found in a pamphlet by P. S. Hamilton, who says " a brief summary of the reasons why this idea of union has taken so firm a hold upon the British American mind is to be found in the relation which the North American colonies bear to the rest of the world. Among the natives of these provinces there is that craving after nationality which is inseparable from the minds of a free people. The peculiar situation of the British Americans makes them feel this want in an unusual degree. Situated between Great Britain and the United States, they are incessantly tantalized by the might and glory of these two. A union of the North American colonies would remove the causes of discontent and smother the faction spirit among the colonists, it would satisfy the cravings of national ambition. There are innumerable points of detail in which the want of union seriously retards the general prosperity of the Provinces. Let a Legislative Union of the provinces take place and all the evils alluded to terminate immediately. We are considering the question of a union of the B. N. A. provinces and the great object of that union would not be attained unless every part of B. N. A. particularly the continental portions participated in it." Hamilton too elaborates his scheme. In the following year he continues the subject in another pamphlet. "By a mere act of a legislative union of Canada, New Brunswick, Nova Scotia and Prince Edward Island, a nation will be founded, comprising a territory nearly equal to that of Great Britain, France, and Italy, combined, and quite capable of sustaining as dense a population. Newfoundland is now nearer to Canada, for all practical purposes than Ireland was to England in 1800, and might also come into the arrangement. Between Lake Superior and the Rocky Mountains lies a tract more extensive than the whole of the organized provinces to the eastward, and possessing agricultural resources superior to theirs. It is watered by many magnificent rivers. Along the valley of the Saskatchewan, is also found the easiest and most direct, if not the only practicable railway route across the North American continent. Westward of the Rocky Mountains again we have another immense territory greater in extent than that watered by the Saskatchewan and its tributaries. In rear of all these stretching to the Arctic, there lies a still greater expanse of country. (abounding) in valuable resources.

To bring these immense territories under one vigorous local government, to extend over them an active population, animated by a

spirit of nationality. . . would be the result of a union of the colonies. To adopt such a measure would be to found an empire. which with its vast territory, might soon sway the destinies of the New World and become the right arm of that power which even now is the greatest on earth. A legislative union of the North American colonies and Newfoundland the magnitude of the results which would spring from it are incalculable.”(82)

In the next few years the subject of reconstruction is met with in various writings, Taylor, in 1857 readvances his scheme of imperial representation, in a very long article tracing the development of the idea from Pownall down. In 1858, the speeches of such well known men as A. T. Galt, and D’Arcy M’Gee contained mentions of it ; as may be noted by reference to M’Gee’s later collection of such speeches. (83) Joseph Howe, of maritime province fame, was also connected with the movement. In several of his letters there are references to the idea, from the time of his letter to Lord John Russell in 1846. J. C. Taché too published a small book on the subject, and went into details both historical and statistical, in regard to his plan, and its justification. In Chap. XVII, “ Projets de Confédération”, we find these words : “ Nous remarquerons de suite que l’un et l’autre des écrivains dont il est question n’ont pas élargi la question jusqu’aux limites, qu’elle doit atteindre : bien au contraire, ils l’ont renfermée dans les bornes des intérêts matériels et immédiats, et ne l’ont considérée qu’au point de vue exclusif de l’intérêt de l’Angleterre.” His ideas on the subject however seem best summed up in the review with which he concludes the book : “ Mettant de côté toute idée de bâtir sur des utopies un pacte fédéral nouveau, nous avons tout simplement étudiés les constitutions de l’Angleterre, et des Etats Unis, dont le fonctionnement est parfaitement connu de nos populations, pour emprunter de l’une et de l’autre, avec les modifications indiquées par les circonstances, les dispositions capable de répondre à nos besoins. . Un pacte fédéral reposerait sur le principe de la délégation perpétuelle et inaltérable des pouvoirs des gouvernements séparés des provinces, au gouvernement général dans la mesure d’attributions distinctes établies en vertu d’une constitution écrite. le gouvernement fédéral serait composé d’un Gouverneur, Chef d’Exécutif, d’un Sénat, et d’une Assemblée. Le gouverneur serait nommé par le metropole, tenu irrespon-

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(82) (Halifax, 1855,) P. S. Hamilton.

(83) Speeches, etc., chiefly relating to British American Union, (1855).

sable, gouvernant par, et de l'avis de ministres responsables. Le Sénat serait élu par le peuple des provinces, ou par les législatures séparées en nombre égal pour chaque province. L'assemblée serait élue directement par le peuple, et le nombre de ses membres serait établi en raison de la population. Les gouvernements locaux seraient composés d'un Président, un Conseil Législatif, et un corps législatif. (84)

On the occasion of the visit of the Prince of Wales, (His late Majesty King Edward VII.) to Canada, an address was delivered at Halifax, containing the following suggestive words; "When a federative constitution, such as that lately accorded to New Zealand dividing the whole United Colonies into a number of provinces each with an elected Superintendent and Council to administer and legislate upon certain defined and exclusively local affairs, the whole being subordinate to the Vice-Roy appointed by the Crown, or hereditary in a branch of the Royal family, and a metropolitan parliament of two houses, to deal with all matters of general interest, and to possess the powers of exercising a general supervision over the local legislatures...so as to harmonize their action, was bestowed upon these provinces, it would seem to combine the greatest degree of security with the greatest unanimity upon all matters of importance, affecting the whole of the United Colony. (85)

To fill in the gap of the next few years the comprehensive words seem these; "The war in the United States, however, and Trent affairs of 1861-2, put an end to all vacillation on the part of the Imperial Government; and from the Prince to the Peasant, but one policy for the future was to prevail. British America was to be consolidated...to be put in a position to receive as little from the British Government as was possible, with an allegiance that was voluntary and a connection that was almost nominal Union received an astonishing impulse events moved on with starting rapidity, what up to 1861 had been the shadowy outline of a patriot's broad conception, or the enthusiast's dream, suddenly sprang into tangible creation." (86)

The history of the Charlottetown Convention and its successor that of Quebec, is well known to all lovers of Canada. In 1864 the

(84) J. C. Taché, *Projets de Confédération*, (Quebec, 1858,) Dominion Archives.

(85) Address, Halifax, 1860, Library of Parliament, Canada.

(86) J. H. Gray, *Confederation of Canada*, (Toronto, 1872).

Maritime Provinces met in convention at Charlottetown, Prince Edward Island, to consider the plan of a Maritime Union: to them certain members of the Canadian Government deputed by the Governor General, came with a proposal of a still broader union comprising the whole of the British North American provinces. The time was ripe, the proposal was considered, and an adjournment made to Quebec, there further to consider the new idea. On October tenth the Quebec meeting began, with almost altogether the same delegates as the earlier one. It was soon decided that a Federal Union was to be preferred to a legislative one, on account of the exigencies of the country. The result of the conference was a document of seventy-two resolutions, signed by the delegates, and sent forthwith to Her Majesty's Government, by the Governor General. They received the approval of Great Britain in December of the same year. Two points alone came in for criticism, the prerogative of the Crown as to parliaments, and the constitution of the upper house or legislative council: the difficulty with the latter being—"whether, if the members be appointed for life, and their number fixed, there will be any sufficient means of restoring harmony between the legislative council and the popular assembly, if it shall ever happen that a decided difference of opinion shall arise between them." (87)

This action on the part of both governments called forth much comment both favorable and otherwise from the press of Great Britain and the provinces, as participants in the action, and from the United States as an interested spectator. The question was thoroughly discussed in the Imperial Parliament, but in the meantime the maritime delegates found, on their return home, that their constituents had changed in opinion. Ultimately the Provinces of Nova Scotia and New Brunswick decided to unite in the project, but Prince Edward Island petitioned to the Imperial Parliament against the Quebec resolutions. (88) The case of Newfoundland was peculiar. In the correspondence between the Governor and the Governor General of Canada it is found that in his opening speech before the legislature in 1866 Governor Musgrave said, "It may become an affair of vital consequence for Newfoundland not to fall into an isolated position in regard to the scheme of union." But the people through their council and assembly replied to him that the almost universal opinion of the inhabitants of Newfoundland was opposed to "an union with Canada." (89)

(87) See *Speeches of Mr. Gladstone*, 1867, 2d Volume, No. 12.

(88) See *Speeches of Mr. Gladstone*, 1867, 2d Volume, No. 12.

(89) *Ibid.*



Of course there was much opposition among Canadians as well. The press as usual was the medium for this expression. The editor of the "Montreal Herald," Mr. Goff Penny, considered it an impracticable idea, in that the plan was too hurried, and the powers of the federal and provincial governments would conflict. Also there were many financial difficulties connected with it. (90)

In Prince Edward Island there were expressions of delight in the thought of a union, as well as the adverse opinions expressed above. Chief among these was that of Matthew Richey, an eminent divine of Charlottetown, who published a monograph in which he exhorted the people of the province to reconsider their decision, and unite—"as from this union Prince Edward Island has everything to gain and nothing to fear—it rests with you—to survey an inheritance of almost illimitable extent, teeming with every element of enterprise and wealth, . . . to be added to your tiny insulated domicile." (91)

The later action of the Provincial Governments upon the resolution of the Imperial Parliament, was the sending of delegates to a conference at Westminster. At this certain changes were introduced into the Quebec resolutions, and the idea that had been traced down through the centuries, culminated in the present constitution of Canada, the "British North America Act."

The dream of that greatest of early colonial supporters Thomas Pownall was thus partially realized, and the dream of our later colonial partizan, Viscount Milner, will perhaps be aided by this success of his predecessor. In general they compare very favorably, as an eighteenth century dream, now almost realized, paralleled by a twentieth century advancement on the same ideal.

THOMAS POWNALL, July, 1768.

#### Administration of the Colonies.

"As I do from my best judgment sincerely believe that a general and entire union of the British Dominions is the only measure by which Great Britain can be continued in its political liberty, and prosperity, perhaps in its existence. So, I make no scruple to aver that if this measure be not adopted in policy as it really exists in fact, it will soon become the duty of the several disunited parts to look narrowly to . . . and stand firm in the maintenance of their undoubted rights." (92)

FZVZS.

VISCOUNT MILNER, C. C. B., December, 1906.

#### (Speech at Wolverhampton).

"The conception which haunts me is the conception of the people of these Islands, as a great family, bound by indissoluble ties to kindred families in other parts of the world, and, within its own borders, striving after all that makes for productive power, for social harmony, and as a result of these, and as a necessary complement and shield of these, for its strength as a nation among the nations of the earth."

(90) Art. 1, in Confederation, Policy, Dominion Archives.  
Many further influences, but not pressed, from various sources are permitted to account of the exigencies of space.

(91) Matthew Richey, Charlottetown, 1867, Dominion Archives.

(92) Extract from "Thomas Pownall," by Charles A. W. Pownall, *Lowell*, 1908, Part II, page 44.

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